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U.S. Department of Justice
Office of Juvenile Justice and Delinquency Prevention

Fifth Annual Report

October 1, 1979 — September 30, 1980

National Advisory Committee for Juvenile Justice and Delinquency Prevention

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National Advisory Committee for Juvenile Justice and Delinquency Prevention

March 1981

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WHAT IS THE NAC?

The National Advisory Committee for Juvenile Justice and Delinquency Prevention was created by the Juvenile Justice and Delinquency Prevention Act of 1974.

The Advisory Committee is made up of twenty-one Presidentially-appointed members from all parts of the country. They are mandated by the JJDP Act to meet at least four times a year and to make recommendations to the President, the Congress and the Associate Administrator of the Office of Juvenile Justice and Delinquency Prevention with respect to planning, policy, priorities, operations and management of all federal juvenile delinquency programs.

The Advisory Committee members are appointed, according to the JJDP Act:

> by virtue of their training or experience have special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice . . .

At least seven of the members must be under 26 years of age at the time of their appointment, and three of those young people must have been or shall currently be under the jurisdiction of the juvenile justice court system.

Within the NAC, there are four subcommittees. They are:

The Subcommittee to Advise the Administrator of the Office of Juvenile Justice and Delinquency Prevention:
This subcommittee is responsible for advising the Associate Administrator of OJJDP on particular functions and aspects of work in OJJDP.

The Subcommittee on Concentration of Federal Effort:
This subcommittee makes recommendations on improving the coordination of federal juvenile delinquency programs and provides advice to OJJDP on preparation of the Annual Analysis and Evaluation of Federal Juvenile Delinquency Programs and a comprehensive plan for implementing federal policy on the prevention, treatment and control of juvenile delinquency.

The Subcommittee for the National Institute for Juvenile Justice and Delinquency Prevention is responsible for advising, consulting with, and making recommendations to the Associate Administrator concerning overall policy and operations of the National Institute for Juvenile Justice and Delinquency Prevention.

The Subcommittee to the Administrator of OJJDP on Standards for Juvenile Justice makes recommendations to the Associate Administrator, the President and Congress based on recommended standards for the administration of juvenile justice at the federal, state and local level, concerning action required to implement and adopt these Standards throughout the nation.

There is also an *Executive Committee*, composed of a youth member, the chairs of all four subcommittees, and the NAC Chair and Vice Chair. This group determines meeting schedules, approves agenda and minutes, makes recommendations to the full NAC, handles the general business duties and performs other tasks as directed by the Chair. In addition to the twenty-one appointees, the Coordinating Council on Juvenile Justice and Delinquency Prevention members serve as *ex-officio* members of the NAC. The Coordinating Council, also created by the JJDP Act, is composed of the Attorney General; the Secretary of Health, Education and Welfare (now Health and Human Services and the Department of Education), the Secretary of Labor; the Director of the Office of Drug Abuse Policy; Commissioner of the Office of Education; the Director of the ACTION Agency; the Secretary of Housing and Urban Development, or their designees; the Associate Administrator of OJJDP, the Deputy Associate Administrator of NIJJDP, and others designated by the President.

The chair of the NAC is appointed by the President, the vice chair is elected by the NAC members. Subcommittee designations are made by the chair. (For a list of the NAC membership during the reporting period, see appendix.)

Appointments

In March 1980, seven NAC members completed their four-year terms and were recognized for their hard work and time spent working for juvenile justice.

The NAC, concerned about the possibility of a delay between the retirement of the seven members and the announcement of new appointees, began in December 1979 to contact officials within OJJDP, the Office of Justice Assistance, Research and Statistics (OJARS), Congress and the White House.

In their correspondence and meetings concerning the appointees, NAC members urged speedy appointments—and received the names of the new members shortly before the June 1980 meeting. The appointees were announced June 12 and sworn in by the Honorable Patricia McGowan Wald, U.S. Court of Appeals for the District of Columbia. The ceremony took place in the Roosevelt Room of the White House.

Executive Summary

For the past year,[1] the NAC has observed their mandate to "make recommendations to the Associate Administrator (of the Office of Juvenile Justice), the President and the Congress, . . . with respect to planning, policy, priorities, operations and management of all federal juvenile delinquency programs."

This report is only one part of that work, and serves as a summary of the considerable research, evaluations, discussions and recommendations the NAC has been involved in during the reporting period.

The NAC's work for the year can be divided along the following *general* topics:

- Concentration of Federal Effort (CFE)
- The National Institute for Juvenile Justice and Delinquency Prevention (NIJJDP)
- Office of Juvenile Justice and Delinquency Prevention Program Plan/Administration
- Reauthorization of the Juvenile Justice and Delinquency Prevention Act.
- State Advisory Groups
- Standards

Following this executive summary are full descriptions, by

1. October 1, 1979—September 30, 1980

category, of those activities.

In brief:

Concentration of Federal Effort (CFE) is a rapidly-growing branch of the NAC's "family tree" of issues, and is perhaps the area where the Advisory Committee is most dependent on federal agencies outside of OJJDP.

During the reporting period, the NAC communicated with Agency directors on matters ranging from the eligibility of juvenile offenders for Comprehensive Employment Training Act (CETA) Programs to review of Department of Education programs affecting juvenile delinquents.

This portion of the Advisory Committee's mandated responsibilities, particularly the guidelines for working with the Coordinating Council on Juvenile Justice and Delinquency Prevention, will continue to expand the NAC's ability to shape and add to a nationwide awareness of juvenile justice matters.

The NAC's relationship with NIJJDP during the past year has been a productive one. One of the foremost issues considered by the NAC in connection with NIJJDP was aversion programs and their place in the juvenile justice field.

The NAC examined the much-publicized so-called "Scared Straight" program run by inmates of the New Jersey State Prison at Rahway,[2] as well as several other programs run in similar fashion. Research by various experts in the field was read and discussed by the NAC, enabling them to take a stand on such aversion programs, which was:

Whereas, preliminary research and evaluation findings on aversion programs cannot adequately determine either their potential for success as a prevention and treatment program for youth, or their potential for evoking psychological harm to the participants, the National Advisory Committee for Juvenile Justice and Delinquency Prevention adopts a public position of conditional support for aversion programs pending further information and inquiry. In doing so, the NAC fully recognizes the merit and value of many time-tested prevention and treatment programs for juveniles, sponsored by offenders and exoffenders. And therefore, the NAC is not opposed to aversion programs offered by prison inmates or other convicted persons throughout the United States.

However, the NAC does oppose, for ethical and humanitarian reasons, aversion programs that violate juvenile rights, due process procedures, or utilize techniques that are patently abusive, threatening, or degrading to the individual participants involved.

Another NIJJDP-related topic covered during the reporting period was the research in the controversial book, *Beyond Probation.*

In essence, the book by Dr. Charles A. Murray and Mr. Louis A. Cox, Jr., was considered controversial because of its finding that the more restrictions there are on delinquent behavior, the greater decrease there is in recidivism, i.e., the delinquent behavior of youth who were conspicuously delinquent, was reduced by interventions; and the deterrence was found to increase with the more restrictive interventions. Other statements and the statistical methodology attracted the attention of researchers, the media, and others in the juvenile justice field, and was the subject of further analysis by the NAC.

Ultimately, the NAC decided to hold a special meeting on the *Beyond Probation* findings, where a reanalysis of the raw data would be discussed by other experts and Dr. Murray. That meeting was scheduled to be held November 7, 1980, in Washington, D.C.

The NAC's responsibilities as an advisory body to the Administrator of OJJDP are ongoing and vital to both the effectiveness of the Advisory Committee and to meeting the mandates of the JJDP Act.

The recommendations made specifically to the Administrator by the NAC are extremely varied in topic, covering "planning, policy, priorities and operations." (A full list of all the recommendations/resolutions may requested from the NAC staff.)

During the reporting period, the NAC focused on the FY80 OJJDP Program Plan, the effect of Reauthorization of the JJDP Act on OJJDP, as well as the Reorganization of the Office of Justice Assistance, Research and Statistics (OJARS) and its impact on OJJDP.

Reauthorization of the Juvenile Justice and Delinquency Prevention Act was, of course, a priority during the reporting period.

Beginning early in the year, the NAC reviewed material on Reauthorization from sources ranging from Congressional staff members to special interest groups, as well as producing their own comparative analyses and reports.

An almost constant flow of information and material supporting Reauthorization was generated by the NAC and sent to key House and Senate Members, as well as other interested individuals in the juvenile justice field during the better part of the year. Recommendations made at each quarterly meeting relating to the course of Reauthorization of the JJDP Act were distributed and continually reviewed by the NAC.

At the close of the reporting period, the issue of Reauthorization was still not at rest, and efforts in that direction were to continue as long as necessary.

At the end of the last reporting period (October 1, 1978—September 30, 1979), the NAC adopted a final report recommending 286 standards for the administration of juvenile justice.

During the past year, the NAC concentrated on determining what the role of OJJDP should be in implementing and refining the NAC Standards.

A general Implementation Plan for the standards, as well as a plan for distribution, were key issues during the year, as was the development of a public hearing format and schedule, for use in gathering input on refinement and implementation of the standards on the state and local levels.

Work on refinement, distribution and implementation will continue into the next reporting period.

Efforts to continue improving communication between State Advisory Groups and the NAC, as well as among SAGs themselves, were again part of the year's activities.

Regular memos with accounts of NAC and SAG activities were distributed throughout the year, a questionnaire on the Second Annual SAG conference was used in gathering data for

2. *The full title of the program is: "Rahway State Prison Juvenile Awareness Project Help."*

planning the Third Annual SAG Conference, and organization of the SAG youth members was begun.

The building of better NAC-SAG communications is a process which requires continued efforts and attention by the NAC, as the membership of these important juvenile justice "satellites" constantly change.

Quarterly Meetings

The NAC is mandated by the JJDP Act to meet at least four times per year. The meeting schedule for the reporting period was as follows:

Eighteenth Meeting	November 28-December 1, 1979 Biloxi, Mississippi
Special Executive	January 19-20, 1980
Committee Meeting	Washington, D.C.
Nineteenth Meeting	February 21-23, 1980 Columbia, South Carolina
Special Executive	May 16-17, 1980
Committee Meeting	Washington, D.C.
Twentieth Meeting	June 11-14, 1980 Washington, D.C.
Twenty-first Meeting	August 20-23, 1980 Portland, Oregon

Although the individual meetings differ somewhat in the amount of time spent in subcommittees and other activities, certain portions of each meeting are standard. During the reporting period, the NAC members agreed to go on site visits to juvenile institutions and alternative programs. This policy was later expanded to the following "NAC Policy on Site Visits".

The NAC will visit a juvenile jail, correctional or detention facility or alternative program at each of its quarterly meetings if the criteria contained in this Site Visit Policy are met.

The committee adopts the following criteria in determining whether the NAC will conduct a site visit at a particular meeting.

1. The specific purpose for the visit is defined and the issues to be addressed are delineated.
2. The particular information desired is outlined and the anticipated outcomes are stated.
3. When weighed against the importance of other agenda items, the Executive Committee determines that the site visit is the most beneficial use of the NAC's time.

An individual subcommittee may, with the approval of the Executive Committee, conduct site visits when the above criteria are met.

In arranging the visit, NAC staff will inform the site of:

- the purpose of the visit;
- the issues to be addressed;
- specific information requests;
- the NAC's follow-up procedure; and,
- planned press coverage.

Within three weeks of the visit, NAC staff will provide the site with:

- a summary of the observations and comments of the NAC when appropriate;
- requests for additional information when necessary;
- NAC action on the issues which were the focus of the visit; and,
- planned NAC action on those issues in the future.

If the meeting is being held in the home state of a NAC member, the selection and follow-up processes will be conducted by that member with staff support.

Site visits during the reporting period included trips to the South Carolina Department of Youth Services facility in Columbia; Oak Hill, a maximum-security facility in Laurel, Maryland; McLaren School for Boys, Hillcrest School for Girls, and a Youth Services Center, all in the Portland, Oregon area.

The NAC, by the very nature of the legislation that sets down their duties, covers an extensive subject area. The members read, study, discuss and eventually act on a wide range of material on new and existing juvenile programs; national trends and activities in the juvenile justice field; federal agencies and their policies and programs concerned with juvenile matters; and Congressional juvenile justice activities.

In order to best reiterate the NAC's decisions and advice for the year, this portion of the report is divided into the six main topics discussed in the Executive Summary. Within the sections devoted to those topics, other issues in the same area of interest are included.

Concentration of Federal Effort

To a large extent the Concentration of Federal Effort (CFE) activities of the NAC are dependent upon the work of other governmental entities, specifically, OJJDP and the Federal Coordinating Council on Juvenile Justice and Delinquency Prevention (the Coordinating Council).

Section 208 of the JJDP Act entitled *Duties of The Advisory* states:

> "(b) The Advisory Committee shall make recommendations to the Associate Administrator, the President, and the Congress at least annually with respect to planning, policy, priorities, operations, and management of all federal juvenile delinquency programs."

In addition to the *Fourth Annual Analysis and Evaluation of Federal Juvenile Delinquency Programs*, the Administrator must consult with the Coordinating Council and the NAC as stated in Section 204 (1) of the Act.

> "Section 204(a) The Administrator shall implement overall policy and develop objectives and priorities for all federal juvenile delinquency programs and activities relating to prevention, diversion, training, treatment, rehabilitation, evaluation, research, and improvement of the juvenile justice system in the United States."

And, with the assistance of the NAC and the Coordinating Council, develop and submit to the President and Congress and annual analysis and evaluation of these federal programs, with a "brief but precise comprehensive plan for federal juvenile delinquency programs". (Section 204(b) (5))

It is clear that a significant part of the NAC's advisory duties

are directly related to a broad range of federal efforts. And, in order to ensure that the Advisory Committee's CFE activities are carried out, the NAC agreed early in the reporting period that three basic steps needed to be taken:

1. That the NAC Executive Committee reaffirm the importance of the CFE Subcommittee's work.
2. The NAC Chair designate newly appointed members to fill current vacancies as soon as possible.
3. The NAC formally remind OJJDP, LEAA and the Coordinating Council of their requirements in the JJDP Act, and request that their work products be provided to the NAC in a timely manner and reflect completed staff work.

Following the decision to take those steps, a work plan for FY81, specifically addressing the CFE work of the Advisory Committee was drafted.

Later in the reporting period, representatives of the NAC met with Mr. Timothy Barnicle, Administrator of the Department of Labor's Youth Programs, in order to determine the effect the Youth Act of 1980 would have on the eligibility of Juvenile offenders for Comprehensive Employment Training Act (CETA) programs.

The NAC learned that juvenile offenders were (at that time) exempt from any eligibility requirements, and it appeared they would be exempt under the Youth Act of 1980 as well.

Letters were sent to all Department of Labor Regional Offices and all CETA prime sponsors, signed by the NAC Chair and Mr. Barnicle, stressing the importance of Youth employment in delinquency prevention and rehabilitation, and clearly setting out the exempt status of juvenile offenders to ordinary eligibility requirements.

On U.S. Department of Education (ED) programs related to juvenile delinquency, the NAC released their own report. It says, in part:

> Every U.S. Department of Education (ED) program which supports activities for the education of juveniles is, broadly speaking, related to the prevention of juvenile delinquency. Although there are activities which are specifically meant for the education of juvenile delinquents which will be identified later in this paper, it is important to first reflect on the overall impact education has on delinquency prevention and to understand the limits placed on this federal agency.
>
> It is clear that local and state education agencies (LEA's and SEA's) are present day products of the most ambitious educational experiment in recorded history. Education was viewed as an absolutely essential factor in the success of a democratic form of government ("of and by the people") and in the success and growth of a free enterprise, capitalist economy. On the one hand, and educated citzenry would make better social and political decisions, and on the other hand, would make a skilled and productive work force. Any reasonable review of 20th century history in the United States would rank this effort as a qualified success, i.e., when it works, it works well. This success is only qualified because, in overwhelming proportions, the politically disenfranchised, chronically un- or underemployed and, important to this paper, those manifesting antisocial behavior (delinquents, criminals) are also seriously undereducated. The educational system has not worked for them. Although a cause-effect relationship is extreme and too simplistic, when joined with other social and economic factors such as racism, sexism, lack of access to necessary human services, productivity declines in traditional industries, increasingly complex technology in growth industries, etc., the lack of a quality education is a *coup de grace* for many people. Putting it differently, having equal access to one's own version of the American dream is oft-times meaningless without equal opportunity for a quality education.

So while it may be too simplistic to draw a causal relationship between delinquency and lack of education, it is certainly clear that few youngsters who achieve in school become embroiled in the juvenile justice system. In this very real sense, any and all efforts on the part of the new Department of Education designed to help young people achieve in school must be considered crucial to delinquency prevention.

At the same time, ED is limited, by design, in the amount of control it has over local education. These limitations are set out in the Department of Education Organization Act, section 101 (Findings) as follows:

> Sec. 101 (3) "parents have the primary responsibility for the education of their children, and States, localities, and private institutions have the primary responsibility for supporting that parental role;"
>
> Sec. 101 (4) "in our Federal system, the primary public responsibility for education is reserved respectively to States and the local school systems and other instrumentalities of the States;"

and although "there is a need for improvement in the management and coordination of Federal education programs" (Sec. 101 (7)), SEAs and LEAs decide local policies and programs.

The purposes of the new Department reflect a sensitivity to this policy:

A. Ensure equal educational opportunity for all citizens.
B. Strengthen the Federal commitment to support State and local educational efforts.
C. Increase the involvement of the public, parents, and students in Federal education programs.
D. Promote improvement in the quality of education through research, evaluation and information sharing, and
E. Improve coordination, management and accountability of Federal education programs.

In order to keep perspective, then, it is important to note that ED is an agency which controls over $14 billion dollars, has 6,000 employees in the United States alone (11,000 employees overseas) and, with all these resources, can but *encourage*, *promote*, *strengthen*, or *improve* what LEAs and SEAs decide to do. It can mandate little, and is only as effective as their clarity of leadership and availability of funds (the proverbial carrot).

RELATIONSHIP OF ED TO NAC

The NAC, can interact with ED on at least three basis.

1. Provide information and policy advice to the Intergovernmental Advisory Council on Education (IACE), the Federal Interagency Committee on Education (FICE), and directly to the Secretary.
2. Provide information, policy advice, and program suggestions to LEAs and SEAs across the country, both directly and through the SAGs.
3. Provide information and advice to the President and Congress related to changes needed in the myriad statutes administered by ED.

The NAC formulated several questions for their own use when reviewing federal programs related to juvenile delinquency and regarding policy awareness, policy implementation and evaluation. Some of those questions are:

1. Do the heads and program operators of Federal programs related to juvenile delinquency know that there is a Congressional Policy on Juvenile Delinquency?
2. Do these same people understand that their program is considered related to juvenile delinquency, and therefore subject to this policy?
3. Are the programs funded consciously trying to implement the Congressional Policy of Juvenile Delinquency, specifically:
   a. How are juvenile justice systems agencies involved with the design and implementation of these projects?
   b. Do applications for funding reference the impact projects will have on delinquency?
      1.) What are their objectives and methods for diverting youngsters from traditional justice system processing.
      2.) What are their objectives and methods for providing critically needed alternatives to institutionalization,
      3). Are these specific activities consistent with Standards for Juvenile Justice such as those promulgated by the NAC?
4. What has been the impact of these programs on State and local juvenile delinquency problems?

Other projects undertaken by the NAC concerning CFE include:

- Taking steps to ensure the Coordinating Council considers the ED programs in the manner outlined above.
- Review of ED legislation, including the Vocational Education Act.
- Requests for and evaluations of information on the HUD-ED joint program, IACE activities, the annual analysis and evaluation by the Coordinating Council and other programs.

National Institute for Juvenile Justice and Delinquency Prevention (NIJJDP)

Sections 241–246 of the JJDP Act establish the NIJJDP and set down the Institute's duties. In part, the JJDP Act says

> . . . It shall be the purpose of the Institute to provide a coordinating center for the collection, preparation, and dissemination of useful data regarding the treatment and control of juvenile offenders, and it shall be the purpose of the Institute to provide training for representatives of federal, state and local law enforcement officers . . . teachers . . . correctional personnel. . . judicial personnel and representatives of private youth agencies and organizations, connected with the treatment and control of juvenile offenders.

The Institute is also intended to be a sort of "information bank," serving as a clearinghouse for information regarding juvenile delinquency and prevention.

Aversion Programs

One of the major issues considered by the NAC during the year was aversion programs. Early in the reporting period, the NAC adopted a policy put in the form of a motion by the Subcommittee to Advise NIJJDP. The intent of the motion was to keep the NAC apprised of all current research pieces as they emerged. The motion read:

> The Subcommittee on the Institute shall review and assess new research findings that appear to contradict previous research findings, or apparently have important policy implications concerning juvenile justice.

The motion, passed unanimously by the full NAC, became part of the Subcommittee's Work Plan.

The policy was put into effect concerning the widely publicized and controversial "Scared Straight" film depicting the program at the New Jersey State Prison at Rahway. Following the airing of the program more than a year ago, many states began considering, or actually starting, similar programs in their own institutions.

In May, the NAC adopted the following resolution:

> *Because of the urgency and great public interest generated in the television film "Scared Straight," and fully recognizing the merit and value of many time tested offender/ex-offender [sponsored] prevention and treatment programs for children and youth, the NAC opposes any immediate legislative or programmatic replication of the highly publicized program dramatized on television in the film "Scared Straight."*

The resolution continued:

> *Preliminary research findings questioning the validity and the reputed success of this program raise sufficient doubts as to require the NAC to adopt a public position opposing the immediate development or replication of the specific program depicted in "Scared Straight," pending further information and inquiry regarding the violation of juvenile rights, possible psychological abuse and due process issues raised by this program.*

The April 1980 edition of *Correction's Magazine*, noted that the NAC "resolved last year to discourage state legislatures from creating [such] encounter groups . . . "

When the U.S. House Subcommittee on Human Resources held an oversight hearing on "Scared Straight," on June 4, 1979, a letter was submitted by the NAC, which included, for the record, the NAC's resolutions and position concerning "Scared Straight"-type aversion programs.

The NAC reviewed a considerable amount of research on the issue, including *A Preliminary Assessment of Rutgers University Evaluation of Rahway State Prison Juvenile Awareness Project Help ("Scared Straight")* by Charles P. Smith and David J. Berkman of the National Juvenile Justice System Assessment Center (NJJSAC); *Evaluation of Jolt (Juvenile Offenders Learn Truth) as a Deterrence Program* by James C. Yarborough of the Program Bureau of the Michigan Department of Corrections; and *A Preliminary Comparative Analysis of Selected Juvenile Aversion Programs* by Berkman and Smith.

After discussion of the reports, the NAC determined that long-term, comprehensive research on these programs should be encouraged, with special attention paid to the considerations that program guidelines, screening criteria and program goals are modified as necessary and are responsive to the needs of the participants—both adult and juvenile. It was noted that the deterrence concept as applied specifically to juvenile delinquency should be examined.

More food for thought came during the NAC's February 1980 meeting, when the Institute Subcommittee discussed the lawsuits filed by nine of the teenaged actors in "Scared Straight". New research by Dr. Sidney Langer of Kean College in Union, New Jersey, was also summarized and considered by the subcommittee.

A Critical Analysis of the Rahway State Prison Lifers' Program by Dr. Langer, dealt with, among other points, the extent of the "experimentals" delinquent activity 22 months after their participation. Langer studied the case histories of 66 experimentals and 65 controls for use in his research.) Langer stated:

> In essence, the delinquent activity of the program participants was held relatively constant after their trip to Rahway, while the delinquency of the youths in the control group increased substantially during the same period.

Statistically, 47 percent of the experimentals improved, while 25 percent of the controls improved. In his research and analysis done after ten months, Langer ended up with different results. There was no significant difference between the delinquent activity of the experimentals or controls as compared with their previous levels. However, there were significant increases in both groups, with more of an increase for the controls. In this portion of the research, 50 percent of the experimentals improved, while 38 percent of the controls improved.

Dr. Langer was invited to the NAC's June meeting, where he discussed his research and explained the methodology involved. The Institute Subcommittee passed a motion for consideration by the full NAC. The motion read as follows:

Whereas the NAC resolved on May 17, 1979, that it opposes any immediate legislative or programmatic replication of the highly publicized program dramatized on television in the film, "Scared Straight"; preliminary research findings questioning the validity and the reputed success of this program raises sufficient doubts as to require development or replication of the specific program depicted in "Scared Straight" pending further information and inquiry regarding the violation of juvenile rights, possible psychological abuse and due process issues raised by this program.

Therefore, be it resolved that although the NAC is not opposed to "aversion" programs offered by prison inmates or other convicted offenders throughout the United States, it does oppose, for ethical and humanitarian reasons, the replication of any program using the techniques portrayed in the film "Scared Straight" that are patently abusive and degrading, i.e., abusive language, threats, ridicule, etc., to the individual participants involved.

The motion was eventually tabled until the August meeting, at which time, the NAC considered exactly what the motion would accomplish if passed.

It was determined that the motion would essentially do three things: First, it would reaffirm the NAC's May 17, 1979, position that the Juvenile Awareness Program at Rahway State Prison not be replicated pending the availability of further research and evaluation of its success and effect on participants; Second, it would affirm the NAC's position in support of aversion programs per se; and Third, it would establish an NAC policy that opposes the replication of any program which is "patently abusive and degrading" to the participants. In essence, the intent behind the motion was to determine "how far" program techniques and approaches should extend in order to help a child—not to find out who is "right".

Before deciding the fate of the tabled motion, the NAC considered a report by David J. Berkman and Steve R. Pearson, prepared as a special request and titled: *Juvenile Aversion Programs: A Status Report.*[1]

The report contained four major sections. The first, "Status report on selected juvenile aversion programs," began with a section on the Juvenile Awareness Project/Lifers ("Scared Straight") Group at Rahway State Prison.

The report noted that at the time of the writing, no follow-up counseling was being provided by the program—however, it has been indicated that such counseling would be provided in the future. Another concern was the inability to monitor arrests records of juvenile participants. The status report stated "program members believe the film, 'Scared Straight,' was not an honest portrayal of their interaction with juvenile participants."

The report goes on to outline the program's position on abusive treatment, saying that physical contact is considered a violation of juvenile rights. No lock-up, strip-searching or fingerprinting is permitted. Abusive language is used and is "considered effective in gaining clients' attention and portraying an accurate image of prison life."

In their comparative analysis and comments, Berkman and Pearson noted the changes that had come about in the program since the October 1979 report, and the increased public recognition of the program. The number of participants dropped from an annual intake of some 3,250 to 1,200, state funding of 17,000/year was discontinued, causing the project to rely on private/public donations for maintenance of its operational costs; inmate and staff personnel participation has increased and follow-up counseling by the inmates is being developed; and females are no longer allowed to participate.

The reaction to the film "Scared Straight" by members of the public and professional sectors has had a "major impact" on the project, according to the report, which theorizes that those opinions may well decide the future of such programs. It was also noted that inmates have apparently indicated "a strong desire" to work with professionals in an effort to keep the program alive and effective.

Six other aversion programs were included; they are:

Squires of San Quentin

Located in San Quentin State Prison in California, this program does not allow any physical contact with the juveniles, but does use profanity "to make a point or gain a client's attention." The program has been in operation—using its original framework—for 16 years, and those involved are concerned with the wave of negative publicity which hit them after the airing of "Scared Straight."

Dead-end Center Project

This program operates out of the medium-security California Correctional Center in Susanville. Probably the most surprising aspect of this project, is the fact that despite having a reputation for being "softer" than some of the other programs; and, again, in spite of their position that physical contact is a violation of juvenile's rights—strip-searching *is* part of the procedure. There is no follow-up counseling or contact between inmates and clients after the initial participation in the project. This project maintains statistical data for their own use, and for "future independent research evaluations."

The Insider's Group

This project is run by inmates within the maximum-security Virginia State Prison.

This program also uses abusive language during the proceedings, and does not permit physical contact. One difference, however, is that following the program, juveniles are "informed that direct confrontation and intimidation was used to get their attention."[2]

The report notes that counseling and education are included with the "confrontation" format. At the time of the report's release, the program was "in limbo" and receiving little support from the prison staff.

[1] *This was an update of the programs described in David J. Berkman and Charles P. Smith, "A Preliminary Comparative Analysis of Selected Juvenile Aversion Programs Juvenile Aversion Programs," October 31, 1979, American Justice Institute, Sacramento, California.*

[2] *Quote attributed to treatment supervisory Ed Wright in report.*

Juvenile Intervention and Enlightenment Program

Located in Queensboro Correctional facility, a medium-security facility in Long Island, New York. This program is presently closed down with "uncertainties as to its continuation." Apparently, lack of interest on the part of the inmate participants, contributed directly to the project's demise. The Queensboro Correctional Facility houses convicted felons for one year.

The Knights of Henri Christophe

This project is run by inmates in the State Correctional Institution at Graterford, Pennsylvania, a maximum-security prison.

Abusive language and physical contact are considered violations of juvenile rights. There are no evaluators for this project, and no inmate participants were available for comment at the time the report was done.

The strict "hands-off" policy in this project is emphasized and has been observed since the start of the project.

Juvenile Offenders Learn Truth (JOLT)

Maximum-security Jackson State Prison in Michigan is the site of this project.

Physical contact is considered a violation of the juveniles rights, but participants are fingerprinted and profanity is used to "illustrate conditions, lifestyles, but never directed to specific juveniles."

This program has been "softened" and "supportive elements have been incorporated into the new design, both during and after exposure to the program."

The second major section of the report summarizes major program developments. An updated review of the seven projects yielded, in part, the following major findings:

- There is a more cautious approach toward publicity and visibility.
- A significant trend has evolved de-emphasizing direct confrontation in the program's approach.
- There is a decrease in client volume and funding.
- Evaluations of programs have been inconclusive.
- Aversion programs have not exhibited significant growth and development.

The third section of the report is Dr. Langer's study mentioned previously: *The Rahway State Prison Lifers' Group: A Critical Analysis.*

The fourth and final section of the report is a list of "identified needs and recommendations."

The following list summarizes some of the major issues and needs identified during the survey of the seven projects:

- need for clarification of program goals and objectives;
- need for realistic expectations;
- need for a definition and control of abusive treatment;
- need for better networking and coordination between programs;
- better utilization of program potential; and,
- need for well-defined client and inmate participation criteria.

Armed with all the previous data and the updated Berkman-Pearson report, the NAC decided to reconsider their tabled motion on aversion programs and take the following into consideration:

1. That reaffirmation of the NAC's May 17, 1979, resolution on replication of the Rahway Program be deleted from the motion and reconsidered by the subcommittee in FY81 pending further information and inquiry;
2. That the tabled motion be rewritten in reference to the following points:
   - to refer to aversion programs per se and eliminate specific reference to the Rahway Program and the film "Scared Straight"
   - to include the NAC's *overall* opposition to aversion programs that utilize the techniques under discussion and not just the NAC's opposition to their *replication*
   - to clearly state why and what the NAC opposes with respect to aversion programs;
3. That the subcommittee continue to monitor research and evaluations in the areas of deterrence and aversion programs, as available; and,
4. That the subcommittee consider the value, relevance, and potential impact of a motion that extends these same concerns to other types of programs that serve juveniles.

The motion was reworked and passed by the NAC:

Whereas, preliminary research and evaluation findings on aversion programs cannot adequately determine either their potential for success as a prevention and treatment program for youth, or their potential for evoking psychological harm to the participants, the National Advisory Committee for Juvenile Justice and Delinquency Prevention adopts a public position of conditional support for aversion programs pending further information and inquiry. In doing so, the NAC fully recognizes the merit and value of many time-tested prevention and treatment programs for juveniles, sponsored by offenders and exoffenders. And therefore, the NAC is not opposed to aversion programs offered by prison inmates or other convicted persons throughout the United States. However, the NAC does oppose, for ethical and humanitarian reasons, aversion programs that violate juvenile rights, due process procedures, or utilize techniques that are patently abusive, threatening, or degrading to the individual participants involved.

A second motion was adopted:

Whereas, the NAC Executive Committee supports the reauthorization proposal in Senate Bill S.2441, which calls for ". . . a detailed evaluation of the Rahway Juvenile Awareness Project, the so-called 'Scared Straight' program or other similar programs, no later than June 30, 1981"; be it resolved that the NAC supports the intent of this proposal with an extension of the time stated for completion of the report to a more realistic date.

As follow-up to the passing of the motions, the following press release was sent out following the August 1980 NAC meeting:

The National Advisory Committee for Juvenile Justice and Delinquency Prevention today reaffirmed their stand against juvenile rehabilitation programs which rely on threatening, demeaning and abusive tacts.

The Committee, which concluded their 21st meeting in Portland today, discussed the issue of juvenile aversion programs and concluded that at this time there is insufficient research to determine if such programs benefit juveniles or prevent delinquency.

The opposition by the Presidential Advisory Committee is based on the belief that programs which violate juvenile rights, due process procedures or utilize techniques which are patently abusive, threatening or degrading to the participants should be avoided.

The NAC does realize the merit of many prevention and treatment programs run by offenders and ex-offenders. However, until such time as more conclusive and complete research is available on aversion programs, and their potential for success. . . the NAC does not support programs which violate juvenile rights.

It should be noted that the press was also provided with clarification on the NAC's mandates and role; information on the membership and geographical distribution of the members; and additional background material on aversion programs.

The constantly updated research on aversion programs is and will continue to be, an area of careful consideration and interest to the NAC.

The "Beyond Probation" Research and Controversy

Another major topic considered by the NAC during the reporting period was the Harper & Row publication, *Beyond Probation* by Dr. Charles A. Murray and Louis A. Cox, Jr.

The crux of the controversy over the Murray-Cox book was that it was distinctly at variance with previous studies. Furthermore, the media's interpretation of the work created concern from experts in the field over the potential policy implications of the research and the conclusions that could undermine the very premise of the JJDP Act.

The Murray-Cox book concludes that the more restrictions there are placed on behavior, the greater decrease there is in recidivisim. The implication then becomes that the greatest deterrence to continued delinquency measured by the research was found in the more secure placements. The study also suggested that the duration of a child's incarceration made little difference in the recidivism.

These conclusions were arrived at through a measure Murray calls the "suppression effect." Essentially, the study compares the behavior of the juveniles prior to and following intervention. The comparison than made of the two figures, show how much delinquency had increased or decreased, rather than measuring if it has been completely stopped. Murray notes, if zero-point measures of recidivisim (complete cessation of delinquent activities) had been used, "this effect would have gone unnoticed and institutionalization in Illinois pronounced a failure."[3]

Some research professionals believed that the "suppression effect" or observed decrease in delinquent behavior resulted from the analyses of certain statistical artifacts. They asserted that Murray and Cox had not designed a statistical analysis to properly control for the effects of artifacts such as regression to the mean, mortality and maturation. Thus, they believed that statistical analysis was invalid and that the findings would not hold up. Others maintained that the analysis and treatment of the artifacts was proper and the observed suppression effect was real, not the result of statistical methodology. Since no one had had access to the raw data, the NAC urged NIJJDP to conduct a reanalysis of the data by a qualified, objective statistician. The NAC felt that a special meeting would be a good means of discussing a reanalysis of the raw data used in Beyond Probation and the media's interpretation of the book.

Therefore, the following resolution was passed:

The NAC is concerned about the apparent conflict between the findings of the [Beyond Probation] study and other relevant research results regarding institutional confinement of delinquent youth.

The NAC is concerned about the interpretations that have resulted from the UDIS[4] study—particularly the alleged findings that confinement of delinquents is more successful than other alternative sanctions and rehabilitative efforts.

The NAC is further concerned that findings of the UDIS study have been represented in the media as being in conflict with federal juvenile justice policy and provisions of the Juvenile Justice and Delinquency Prevention Act.

Therefore, the NAC plans to conduct a symposium designed to analyze the UDIS findings and other findings from reputable research. This symposium will be conducted in a manner that will enable the Subcommittee on the Institute to formulate a position to be presented to the full NAC, that is based upon the informed testimony received from experts.

The symposium will be conducted with the advice and consent of OJJDP. The NAC strongly supports the current efforts of the Department of Justice and OJJDP to reduce the use of inappropriate confinement of children and youth.

During the remainder of the reporting period, the NAC reviewed the book and looked at what was being written and said about the research by others in the juvenile justice field. One of the reports studied by the NAC was the review done by the NIJJDP staff.

The report lists what appeared to be the major findings of the research, and several conclusions drawn by Murray and Cox. Among the conclusions were the following:[5]

For this group of subjects—big city, chronic delinquents during the mid-1970s—community-based (nonresidential) intervention strategies were not as effective as out of town residential programs, intensive residential placements and DOC commitments.

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[3] Beyond Probation, *Page 42*

[4] UDIS *is the acronym for "United Delinquency Intervention Services," the residential and intensive care program in Chicago, Illinois, which the Murray-Cox book used when doing the research.*

[5] *Excerpted from "A Review of* Beyond Probation, *by the Staff of the National Institute for Juvenile Justice and Delinquency Prevention."*

The findings of this study run directly counter to most of the predictions of the labeling theory.

The authors (Murray and Cox) further state that, "there is evidence for suspecting that the threat of institutionalization contributed to the suppression effect observed among less drastic alternatives. The results of this study cannot be assimilated without acknowledging some virtues of institutionalization."

At a more general level, Murray and Cox call into question the conventional wisdom which has held "that institutionalization of juveniles is philosophically barbaric and expensive and does not work." They conclude that "institutionalization does work and that (compared to the alternatives) it may be affordable."

One of the most widely heard conclusions quoted in the report was aired in November 1979 on the "Today Show." At that time, Dr. Murray said:

> Put in its simplest terms, we found two things. First, that correctional interventions beyond probation—and by that I mean a variety of things from counseling services up through incarceration—produced reductions in crime in the range of 50–80%, when you compare the period following release with the year prior to intervention. Second, we found that the size of the reduction tends to increase as the nature of the intervention becomes more drastic, meaning that the smallest reductions were for those programs which left the youth at home; the largest reductions were for those that were residential and that were out of town. Both of these are at odds with federal policy.

The section of the NIJJDP report on "Interpretation and Implication of the Findings of Beyond Probation," reiterates

> "The findings of this research [Beyond Probation] do not contradict federal policy with regard to the handling of serious or other juvenile offenders."

The NIJJDP report suggests that caution should be used in the practice of drawing relevant conclusions regarding the effects of institutionalization and community-based programs in general. The report criticizes the "absence of collaborative research evidence obtained through replication, refined design or through the coverge of other interventions. . .," calling it "inappropriate." Another area of reproach was the complaint by NIJJDP that the report "has no data which can address the broader question: How should a civilized, urban nation deal with its misbehaving, delinquent or criminal youth?" The report concluded:

> "To the extent *Beyond Probation* ventures beyond what the research data supports, it may unwittingly help point juvenile justice back toward the dark ages rather than in a progressive direction where new solutions can be found to old problems."

Another response to *Beyond Probation* studied by the NAC was the pamphlet "Tough Enough?" written and distributed by the National Council on Crime and Delinquency.

The NCCD review sharply criticizes the reaction of the press to the Murray-Cox book. The study says: "Get-tough policies may temporarily quiet the public's fears, but they have never worked." It concludes: "There is no need to get any tougher with children in trouble. Juvenile justice is already more than tough enough."

Although the aforementioned public symposium was scheduled to be held during the reporting period, it was eventually postponed to November 7, 1980, and it was decided it would be a special meeting of the Institute Subcommittee. Conclusions/recomendations which result from that meeting will appear in the NAC's Sixth Annual Report.

It was decided during the reporting period, however, that the meeting would:

1. Be held in Washington, D.C.;
2. Be planned so that persons attending were not lost in scientific jargon; and,
3. Be open to include persons from the operational level to discuss the policy implications of the research findings.

Mr. Robert Burton of Applied Management Sciences, Inc., was requested to conduct a reanalysis of the raw data used by Dr. Murray. Burton's work was to be directed by the following four objectives:

1. To assess the validity of the analysis, findings and conclusions of the study;
2. To develop and test alternative statistical analytical approaches;
3. To develop closer links between the analytical conclusions and the policy recommendations; and
4. To identify research and program evaluation issues that should be considered in the future.

The results of Burton's review were to include a detailed plan for the reanalysis, as well as a look at what research should be undertaken in the future. Again, this data will come under the period covered by the NAC's Sixth Annual Report.

NIJJDP Training Plan

The NAC was presented with an overview of the *Draft NIJJDP Training Workplan for FY80* which incorporated the NAC's previous recommendations that:

- The Juvenile Justice Training Resource Center (JJTRC) prioritize training assistance and utilization of resources during FY80 by OJJDP Program priorities.
- Training will be provided in support of State Advisory Groups.
- Future training emphasis will be on the "training of trainers" in order to maximize use of financial resources.

The NAC considered the Draft NIJJDP Workplan, which included a section on JJTRC, its purpose, program description and cost. The following resolution was then passed:

Whereas the National Institute has a specific legislative mandate to carry out a training function, as stated in Sections 224, 248, 249, and 250 of the JJDP Act; and

Whereas in FY80 the Institute committed less than 10% of its fiscal resources to its training mandate; and

Whereas the Institute has produced a significant body of knowledge and research;

Therefore be it resolved that the NAC recommends to the Administrator of OJJDP that the National Institute

make its training functions a greater priority in the FY81 Program Plan and expend a minimum of 20% of its resources in this area of responsibility;

And further, in order to ensure an effective and high quality level of such training, that the FY81 Training Workplan reflect the priorities of the Office and that adequate staff be allocated to effect this recommendation.

Following that, the NAC was informed that due to lack of adequate staff in NIJJDP, the Training Center would have to be postponed until the next fiscal year. The situation remained unchanged through the end of the reporting period.

OJJDP Program Plan/Administration

The NAC's role as an advisory body to the Administrator of OJJDP is probably its most extensive and demanding responsibility. Since a single annual report or even several "interim" reports would not be adequate to communicate the many resolutions, questions and other material between OJJDP and the NAC—there is continual contact between the NAC, their staff and OJJDP by telephone and letter. In this way, pressing issues may be handled with a minimum of "red tape" and the vital lines of communication can be kept open.

One of the major areas in which the NAC advises OJJDP throughout the year is the OJJDP Program Plan. As a sort of log of projected areas of concentration for the coming year, the developing Program Plan affords the NAC the opportunity to get in on the ground floor of juvenile program planning throughout the country.

In February 1980, the NAC reviewed the Draft FY81 Program Plan provided by OJJDP. The following recommendations to OJJDP were passed later in the year:

Resolved that regulations for Formula Grants be consistent with the OJJDP Program Plan and that OJJDP take all possible steps to ensure the improvement of its monitoring of state plans.

Resolved that for FY82, a prevention strategy be developed as a priority theme in the program plan and a budget for deinstitutionalization of status offenders and prevention be projected for five years.

Mr. Ira Schwartz, Associate Administrator of OJJDP, told the NAC that the Program Plan should focus on specific results of a few priority issues, such as removal of children from jails, implementing the NAC standards and minorities. He added that the following three principles should be kept in mind during the formulation of the plan:

1. All funds, except those already firmly committed in writing were available for FY81 program planning.
2. The plan should focus on results to be achieved, and evaluations must be incorporated.
3. The strategy must involve an integrated approach. The objectives of each decision should be consistent with OJJDP's general goals.

It was also noted at that time, that following completion of the FY81 plan, a strategy for FY82 through 1985 would be outlined.

The NAC also passed the following recommendations/resolutions:

- *Recommended that language be added to the FY81 Program Plan which would emphasize limiting the type of juveniles which can be sent to any institution; and,*
- *Resolved that the NAC support OJJDP's attempt to target Formula Grant funds for deinstitutionalization and review these and other guidelines in order to advise OJJDP on how to best ensure that these guidelines reflect the emphasis on deinstitutionalization.*

The NAC's Institute Subcommittee made some recommendations of their own regarding the OJJDP Program Plan. In March 1980, the Subcommittee sent the following list of ideas to the associate administrator of OJJDP for his information. They were not finalized recommendations, but rather a distillation of ideas from a Subcommittee discussion.

1. Quality research is needed to determine the status and impact of citizen involvement (volunteers) within the juvenile justice system.
2. Research is needed in the area of serving children and families in their homes.
3. A Special Emphasis effort might be initiated in the area of youth involvement in the JJDP Act's mandates. Access to JJDP Act funds by such groups has been extremely limited.
4. Research should be done on the reasons for the differential rate of detention for minority youth who are accused or adjudicated delinquent.
5. Consideration should be given to centralization of data systems and information dissemination functions of several federal agencies.
6. Information needs to be gathered by NIJJDP on the reasons for overcrowding in juvenile institutions.
7. Research is needed to explain the differences among states in the rate of detention and institutionalization.
8. Citizen involvement in the programs of incarcerated and institutionalized youth is needed, possibly in the form of a special initiative.
9. Linkages between the educational system and the juvenile justice system need to be developed.
10. A research project on the effect of the electronic media on the public's attitude toward juveniles in the juvenile justice system needs to be approached.
11. It should be determined what steps can be taken to bring about a higher quality of training for youth workers and counselors.
12. Research may be needed to explore the effects of the changing family structure on juveniles. (For example, the decrease in the number of adults in American homes over the past fifty years.)

The NAC recommended that the FY81 Program Plan be modified as follows:

- Research which is national in scope should include all jurisdictions included by the JJDP Act, and where any such jurisdictions are not included, reasons for such non-inclusion should be specifically stated in the final research work project.
- Training programs should include elected officials.
- Once barriers to the coordinated use of federal funds have been identified, specific steps to remove those barriers should be taken.
- The use of other federal funds to achieve deinstitutionalization should be encouraged.

The NAC reviewed the recommendations made by OJJDP's Planning Team on the FY81 Program Plan, which was presented at the August 1980 meeting.

According to their report, the OJJDP Planning Team began meeting in April 1980 and developed two sets of recommendations designed to:

1. Improve the quality of the OJJDP planning process.

2. Establish a set of measurable objectives against which OJJDP effectiveness can be judged.
3. Improve coordination between various functional areas.
4. Provide guidance for the allocation of financial and staff resources based on clearly stated priorities.

Office of Justice Assistance, Research and Statistics

Early in the reporting period, the NAC studied the OJARS Reorganization proposal, sent to them by Henry S. Dogin, then Acting Director of OJARS.

The Briefing Summary supplied by Mr. Dogin was submitted to the Attorney General, and contained a number of modifications to the recommendations made to the December 1979 report by the Transition Task Force. The Task Force's report recommended reorganization of functions "previously performed by the Law Enforcement Assistance Administration, in order to implement the Justice System Improvement Act."[1]

Mr. Dogin indicated he used four basic principles when developing his recommendations:[2]

1. The statute requires that the independence and integrity of the research, statistical and financial assistance functions must be guaranteed in the new organizational configuration.
2. LEAA, NIJ and BJS must have the resources necessary to award, administer, and review grants and contracts and to appoint personnel as specified in the Justice System Improvement Act.
3. OJARS will coordinate the activities of the other units, develop national priority programs with LEAA and provide limited staff support for those services which, if replicated in each unit, would cause duplication and efficiency.
4. OJARS coordinative role will provide for resolving inconsistencies among the policies and programs of the NIJ, BJS, and LEAA and insuring that all three units work together effectively where their functions overlap.

The NAC Chair responded to the proposal by recommending that the staff allocation for OJJDP be increased by 74, to a total of 125.

Mr. Dogin ultimately requested 50 new positions for OJJDP.

In March, 1980, President Carter's $15 million slash in his proposed budget left OJARS severely cut back—and made it appear that LEAA would soon be a thing of the past.

The NAC, in addition to the major issues already covered in this report, discussed and acted on a number of "miscellaneous" topics which do not fit neatly under any of the other categories.

Some of those topics are summarized here:

- California Commingling Issue

  Throughout the reporting period, the NAC discussed the California Commingling issue with OJJDP staff at frequent intervals, requesting updates when appropriate, as well as forwarding their own recommendations on the situation to the Associate Administrator of OJJDP.

  In January, 1980, the following recommendation was developed and later approved by the full NAC:

  In support of the JJDP Act, the NAC wishes to impress on the Administrator the importance of determining ways to utilize reverted funds from non-complying states in a manner which will support responsible ways and efforts to accomplish full compliance with the Act, and encourage OJJDP to support those advocacy efforts in non-complying states which would lead toward compliance.

- *Chemically-dependent Youth in Correctional Facilities*

  The NAC discussed treatment of intoxicated youth in juvenile correctional facilities and the applicable standards from the American Medical Association's August 1979 *Standards for Health Services in Juvenile Correctional Facilities* were studied, for use as a "springboard" for future discussions and recommendations concerning the issue of chemically-dependent juvenile offenders.

- *Mentally Retarded Offenders*

  The NAC discussed the area of juvenile justice pertaining to the mentally retarded offender and adopted a "working definition" of same based on the *Developmental Disabilities Assistance and Bill of Rights Act.* That definition says:

  The term "developmental disability" means a severe, chronic disability of a person which:

  1. Is attributable to a mental or physical impairment or combination of mental and physical impairments;
  2. Is likely to continue indefinitely;
  3. Results in substantial functional limitations in three or more of the following areas of major life activity:
     a. Self-care;
     b. Receptive and expressive language;
     c. Learning;
     d. Mobility;
     e. Self-direction;
     f. Capacity for independent living;
     g. Economic self-sufficiency; and,
  4. Reflects the person's need for a combination and sequence of special interdisciplinary, or generic care, treatment, or other services which are of lifelong or extended duration and are individually planned and coordinated.

- *White House Conference on Families*

  Early in the reporting period, the NAC agreed to send a letter to the White House asking that they and members of State Advisory Groups be included in the activities at the White House Conferences on Families.

  Testimony from NAC Chair C. Joseph Anderson was sent to Seattle for the January 1980 regional hearing on the Conference. NAC member George P. Belitsos was appointed a delegate to the Conference and attended the regional conference held in Minneapolis in June, 1980, representing the State of Iowa.

[1/2] *Quoted from* OJARS Reorganization Proposal, Briefing Summary—February 12, 1980

Reauthorization of the Juvenile Justice and Delinquency Prevention Act

At no time during the reporting period was the issue of Reauthorization very far from the consideration of the NAC. Summaries, updates and comparative analyses of the House and Senate recommendations were constantly being considered.

Early in the year, the NAC received the *Guide to the 1980 Reauthorization of the JJDP Act*, produced and distributed by the National Youth Work Alliance. The guide, which incorporates past positions of the NAC on Reauthorization, is divided into three sections: a statement of five principles NYWA planned to use to formulate its positions on the specific amendments during Reauthorization; Nine issues of primary importance to youth workers; and a comprehensive list of issues raised concerning the JJDP Act.

By March 1980, the NAC had transmitted to members of the U.S. House and Senate, their stand on Reauthorization.

The text of those letters, with paraphrasing where appropriate, follows:

Attached please find the recommendations of the National Advisory Committee for Juvenile Justice and Delinquency Prevention for the reauthorization of the Juvenile Justice and Delinquency Prevention Act. These recommendations were adopted by the NAC at its February 21-23, 1980, meeting and represent the committee's final position regarding reauthorization.

The National Advisory Committee wishes to express its strong support for the existing legislation particularly the provisions regarding the deinstitutionalization of status offenders,the separation of adults and juveniles in institutions, the emphasis on advocacy, the 75 per centum requirement to determine compliance regarding deinstitutionalization, and the monitoring of jails, detention and correctional facilities.

The Advisory Committee has also considered a recommendation to revise the Act to include an emphasis on the violent, serious and chronic repeat offender. Although it is an important issue, the NAC opposes any such revision because the current LEAA legislation permits the use of its funds for such purposes, and because the Juvenile Justice and Delinquency Prevention Act has and continues to make important strides toward removing from the Justice System youngsters not needing its control.

The NAC does recommend that the Act be revised to provide that the Office of Juvenile Justice and Delinquency Prevention be a separate organizational entity under the Office of Justice Assistance, Research and Statistics and on an organizational par with the Law Enforcement Assistance Administration, the National Institute of Justice and the Bureau of Justice Statistics. The Advisory Committee further recommends that the National Institute for Juvenile Justice and Delinquency Prevention remain with OJJDP and retain its authority to conduct basic research.

Additionally, the NAC is recommending amendments which would:

(1) Target additional attention and resources on the problems of disadvantaged and minority youth;
(2) Expand the list of jurisdictions that qualify as "States" eligible for funding under the Act;
(3) Clarify the term "juvenile detention or correctional facilities";
(4) Srengthen activities to coordinate federal juvenile delinquency efforts;
(5) Provide for representation of State Advisory Groups on the National Advisory Committee for Juvenile Justice and Delinquency Prevention and amend the appointment process to the NAC to allow members to serve until their replacements are appointed;
(6) Strengthen the role of the State Advisory Groups; and
(7) Transfer the authority for the Runaway Youth Act to the Office of Juvenile Justice and Delinquency Prevention.

The Advisory Committee supported a four year authorization period, an authorization level of $200,000,000 for the fiscal year ending September 30, 1981, and an appropriation level of $140,000,000 for FY81. The NAC also supports the recommendation of the OJARS reorganization proposal that fifty additional staff be allocated to OJJDP.

RECOMMENDATIONS AND OTHER AMENDMENTS

1. Section 101(a) (4) should be amended as follows:

   existing programs have not adequately responded to the particular problems of the increasing numbers of young people who are addicted to or who abuse *alcohol and* drugs, particularly nonopiate or polydrug abusers;

2. Section 101(a) should be further amended as follows:

   (6) States and local communities which experience directly the devastating failures of the juvenile justice system do not presently have sufficient technical expertise or adequate resources to deal comprehensively with the problems of juvenile delinquency; (~~and~~)

   (7) existing Federal programs have not provided the direction, coordination, resources, and leadership required to meet the crisis of delinquency (~~,~~)*;*

   (8) *because of race, economic standing, sex, language, culture, handicap, mental disability, or other artificial barriers, whole classes of young people have not had their needs adequately met by human service professions in the United States;*

   (9) *cultural segregation, both on the mainland United States and its territories, has led to isolation and alienation of young Americans; and*

   (10) *existing programs have not adequately responded to the particular problems of minority and disadvantaged youth.*

3. Section 103(4) and 103(5) should be amended as follows:

   (~~(4) the term "Law Enforcement Assistance Administration" means the agency established by section 101(a)~~

~~of the Omnibus Crime Control and Safe Streets Act of 1968, as amended;~~)

(4) *the term "Office of Justice Assistance, Research, and Statistics" means the agency established by section 801(a) of the Justice System Improvement Act of 1979.*

(5) the term (~~"Administrator"~~) *"Director"* means the agency head designated by section (~~101(b) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended~~) *801(a) of the Justice System Improvement Act of 1979.*

4. Section 103(7) should be amended as follows:

(7) the term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, (~~and any territory or possession of the United States;~~) *the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands;*

5. Section 103(12) should be revised as follows:

~~(12) the term "correctional institution or facility" means any place for the confinement or rehabilitation of juvenile offenders or individuals charged with or convicted of criminal offenses; and~~

(12) *the term "juvenile detention or correctional facilities" means any secure public or private facility used for the lawful custody of accused or adjudicated juvenile offenders or non-offenders or any public or private facility, secure or non-secure, which is also used for the lawful custody of accused or convicted adult criminal offenders; and*

6. Section 201(a) should be amended as follows:

(a) There is hereby created within the Department of Justice, (~~Law Enforcement Assistance Administration~~) *Office of Justice Assistance, Research, and Statistics,* the Office of Juvenile Justice and Delinquency Prevention (referred to in this Act as the "Office"). The (~~Administrator~~) *Director* shall administer the provisions of this Act through the Office.

Note: References to the "Law Enforcement Assistance Administration" and the "Administrator" should be changed throughout the Act to be consistent with this proposed revision and the Justice System Improvement Act of 1979.

7. Section 204(k) should be deleted to be consistent with recommendation #23 which would transfer the administration of the Runaway Youth Act to the Office of Juvenile Justice and Delinquency Prevention.

~~(k) All functions of the Administrator under this title shall be coordinated as appropriate with the functions of the Secretary of the Department of Health, Education, and Welfare under title III of this Act.~~

~~(1)~~ (*k*) (1) The Administrator shall, etc.

8. Section 206(a) (1) should be amended as follows:

Section 206(a) (1) There is hereby established, as an independent organization in the executive branch of the Federal Government a Coordinating Council on Juvenile Justice and Delinquency Prevention (hereinafter referred to as the "Council") composed of the Attorney General, the Secretary of Health (~~, Education and Welfare~~) *and Human Services*, the Secretary of Labor, the Director of the Office of Drug Abuse Policy, (~~the Commissioner of the Office~~) *the Secretary* of Education, the Director of the ACTION Agency, the Secretary of Housing and Urban Development, *the Director of the Office of Management and Budget, a member of the President's Domestic Council,* or their respective designees, the Associate Administrator of the Office of Juvenile Justice and Delinquency Prevention, the Deputy Associate Administrator of the Institute for Juvenile Justice and Delinquency Prevention, *a member of the National Advisory Committee for Juvenile Justice and Delinquency Prevention* and representatives of such other agencies as the President shall designate.

9. Section 206(a) (2) should be amended to read:

(2) Any individual *representing a Federal agency* designated under this section shall be selected from individuals who exercise significant decision-making authority in the Federal agency involved

10. Section 206(d) should be amended as follows:

(d) The Council shall meet (~~a minimum of four times per~~) *at least quarterly each* year and a description of the activities of the Council shall be included in the annual report required by section 204(b) (5) of this title.

11. Section 206(e) should be amended as follows:

(e) The (~~Associate Administrator~~) *Chairman of the Council* (~~may~~) *shall,* with the approval of the Council, appoint *a staff director, and assistant staff director, and* such (~~personnel or~~) *additional* staff support as (~~he~~) *the Chairman* considers necessary to carry out the (~~purposes~~) *functions* of (~~this title~~) *the Council.*

12. Section 207(c) and (d) should be amended as follows:

(c) The regular members of the Advisory Committee shall be appointed by the Pressident from persons who by virtue of their training or experience have special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice, such as juvenile or family court judges; probation, correction, or law enforcement personnel; and representatives of private voluntary organizations and community-based programs, including youth workers involved with alternative youth programs and persons with special experience and competence in addressing the problem of school violence and vandalism and the problem of learning disabilities. The President shall designate the Chairman. *Each group of appointments for four year terms shall include at least two appointees who are members of a State Advisory Group established pursuant to section 223(a) (3) of this Act.* A majority of the members of the Advisory Committee, including the Chairman, shall not be full-time employees of Federal, State, or local governments. At least seven members shall not have attained twenty-six years of age on the date of their appointment,

of whom at least three shall have been or shall currently be under the jurisdiction of the juvenile justice system.

(d) Members appointed by the President to the Committee shall serve for terms of four years and shall be eligible for reappointment except that for the first composition of the Advisory Committee, one-third of these members shall be appointed to one-year terms, one-third to two-year terms, and one-third to three-year terms; thereafter each term shall be four years. Such members of this title. *Members whose terms have expired shall continue to serve on the Committee until such time as their successor is appointed.* Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term. Eleven members of the committee shall constitute a quorum. (42 U.S.C.5617)

13. Section 208(d) should be amended as follows:

(d) The Chairman shall designate a subcommittee of not less than five members of the Committee to serve, together with the Director of the National Institute of Corrections (,) *and the Director of the National Institute of Justice,* as members of an Advisory Committee for the National Institute for Juvenile Justice and Delinquency Prevention to perform the functions set forth in section 245 of this title.

14. Section 222(a) and (b) should be amended as follows:

Section 222(a) In accordance with regulations promulgated under this part, funds shall be allocated annually among the States on the Basis of relative population of people under age eighteen. No such allotment to any State shall be less than $225,000(,). ~~*except that for the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands no allotment shall be less than $56,250.*~~

(b) Except for funds appropriated for fiscal year 1975, if any amount so allotted remains unobligated at the end of the fiscal year, such funds shall be reallocated in a manner equitable and consistent with the purpose of this part. Funds appropriated for fiscal year 1975 may be obligated in accordance with subsection (a) until June 30, 1976, after which time they may be reallocated. Any amount so reallocated shall be in addition to the amounts already allotted and available to the State (,). ~~the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands for the same period~~.

15. Section 223(a) (3) (F) (ii) should be amended as follows:

(ii) (~~may~~) *shall* advise the Governor and the legislature on matters related to its functions, as requested;

16. Section 223(a) (10) should be further amended as follows:

(J) *programs designed to focus resources on minority and disadvantaged youth;*

17. Section 224(a) should be amended as follows:

(10) develop and support programs designed to encourage and enable State legislatures to consider and further the purposes of this Act, both by amending State laws where necessary, and devoting greater resources to those purposes; (~~and~~)

(11) develop and implement programs relating to juvenile delinquency and learning disabilities (,)*; and*

(12) develop and implement programs designed to address the problems of minority and disadvantaged youth.

18. Section 241(c) should be amended to read:

(c) The activities of the National Institute for Juvenile Justice and Delinquency Prevention shall be coordinated with the activities of the National Institute of (~~Law Enforcement and Criminal~~) Justice in accordance with the requirement of section 201(b).

19. Section 246 should be amended as follows:

Section 246 The Deputy Associate Administrator for the National Institute for Juvenile Justice and Delinquency Prevention shall develop annually and submit to the associate administrator after the first year the legislation is enacted, prior to (~~September 30~~), *October 31* a report on research, demonstration, training, and evaluation programs funded under this title, including a review of the results of such programs, an assessment of the application of such results to existing and to new juvenile delinquency programs, and detailed recommendations for future research, demonstration, training, and evaluation programs. The Associate Administrator shall include a summary of these results and recommendations in his report to the President and Congress required by section 204(b) (5). (42 U.S.C.5656)

20. Section 261(a):

The NAC recommends that the Act be reauthorized for the fiscal years ending September 30, 1981, 1982, 1983, and 1984 respectively and supports an authorized appropriation level of $200,000,000 for the fiscal year ending September 30, 1981.

21. Section 261(b) should be amended as follows:

(b) In addition to the funds appropriated under section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, (~~the Administration~~) *there* shall *be* maintain*ed* from the appropriation for (~~the Law Enforcement Assistance Administration~~) *Title I of the Justice System Improvement Act of 1979,* each fiscal year, at least (~~19.15~~) *20* percent of the total appropriations (~~for the Administration~~) *under that title,* for juvenile delinquency programs. (42 U.S.C. 5671)

22. Section 262 should be amended as follows:

(*a*) The administrative provisions, etc.

(b) No State, as defined in section 103(7), shall be excluded from national research activities funded under this Act unless reasons for such an exclusion are specifically set forth in the research report.

23. Title III—Runaway Youth

The National Advisory Committee recommends that the administration of the Runaway Youth Act be placed within OJJDP to be administered as a separate categorical program. The NAC further recommends that the program and staff continuity be maintained.

Finally, the NAC recommends an authorization level of $25,000,000 for the Runaway Youth Act for the fiscal year ending September 30, 1981.

The NAC communicated their support of the RYA to President Jimmy Carter after reviewing the following report: *HEW and the Runaway Youth Act* by Kathleen Lyons.

HEW AND THE RUNAWAY YOUTH ACT

The Runaway Youth Act was an anomaly when it was passed as Title III of the Juvenile Justice and Delinquency Act in 1974. It remains one today. It stands as a modest discretionary program in an era that has seen the rejection of this approach in favor of block grants tied to increasingly complex funding formulas. While the rest of the Act is administered by an office set up for the purpose in the Justice Department, Title III was handed over to the Human Development Services Administration of HEW. There, it has been viewed by some as an unwanted child, struggling with larger, more important programs for the attention of the parent organization. These two characteristics—the unusual nature of its funding mechanism plus its administrative isolation from the parent Act—have made the Runaway Youth Act (RYA) highly susceptible to the Federal reorganization virus. In recent years, this virus has been highly virulent within HEW,[1] setting off periodic anxiety attacks among RYA supporters, both in and out of government, who want the program to remain an independent entity.

The present uncertainty over the RYA's future at HEW should be evaluated in the light of its past history there. Passage of the 1974 JJDP Act severely eroded HEW's position as lead agency in supporting services to troubled youth. In fact, it was at least partly due to Congressional dissatisfaction with the Department's performance with this population group, along with HEW's reluctance to endorse the proposed legislation, that led to creation of the Office of Juvenile Justice and Delinquency Prevention within LEAA. Secretary Weinberger, however, had translated a personal interest in runaway youth into a department-wide initiative and was permitted to continue program development in this area through Title III. Thus, for many years Congress has not been adverse to a little friendly competition between HEW and Justice over control of services to youth in trouble. Nor have the chief promoters of the program, both in and out of Congress, been wedded to its existing administrative organization. During the 1974 Act's first reauthorization, considerable interest was expressed in moving the RYA over to ACTION; this alternative was promoted by some of the same actors who now support transfer of the RYA to Justice. In the past, debate over such matters has been unfortunately characterized by maximum attention to personalities and administrative styles and minimum care to substantive policy questions involving the effectiveness and future of youth services in this country.

As long ago as 1976, discussions were taking place within HEW regarding the possibility of merging the Runaway Youth Act with other entitlement programs, the most likely combination involving Title XX of the Social Security Act. In hearings before the House Subcommittee on Economic Opportunity in 1977, then Assistant Secretary for Human Development Services, Arabella Martinez, spoke of the possibility of integrating the RYA "with other HEW social services which provide the needed services for youth." New to her office and to Washington, Ms. Martinez initially pressed for a simple one year extension of the Act to give her time to plan a new, integrated national youth initiative. Her position was interpreted by some as indicative of HEW's lack of support for the Act, a suspicion that appears to be renewed each time the legislation comes up for reauthorization. Before much progress had been made on the national youth initiative, it was overtaken by the more pressing pursuit of an independent Department of Educa-tion. And, while that battle was being waged, the incredibly complex issue of child welfare reform was raised in Congress. As a consequence, the chief proponents of reorganization found themselves spending most of their time reacting to the initiatives of others, leaving little opportunity for putting their own proposals into effect. Despite the personnel shakeups and intradepartmental reorganizations occurring within DHEW, the Runaway Youth Act seemed safe, at least until the next reauthorization go-around. It can be argued that the turbulance in the upper reaches of the parent agency has, in fact, enhanced the RYA's position of independence by allowing its various program directors to pursue a stand-pat strategy toward merger proposals in the hope, consistently realized, that the authors of these proposals would soon have moved elsewhere. The record is clear that over the years, Youth Development Bureau directors have stood firm in the face of OMB's blandishments to dismantle the program and the occasional waffling of HEW officials at the Assistant Secretary level. They have been joined, with regularity, by successive Secretaries of HEW who have continued to argue (and win) the case for the existanece of the runaway program as a separate, discrete entity. There is no indication at the present time of any basic shift in attitude on the part of the present Secretary or the current director of the Youth Development Bureau (YDB).

This is not to deny the existence of legitimate grounds for criticizing YDB's overall administration of the program, particularly the Bureau's response to the technical assistance needs of its grantees, and the building up of a "stable" of runaway house grantees, many of whom appear to view continued YDB funding as an inalienable right. A comprehensive evaluation of YDB's program management practices, however, lies outside the purview of this brief analysis.[2]

The present reauthorization process has brought to the forefront once again speculation concerning HEW's future intentions for the RYA. Apparently vague concern changed to

[1] *Officially, DHEW is not transformed into DHHS (Department of Health and Human Services) until April, 1980.*

active worry when on August 21, the Office of Management and budget turned down HEW's proposal for reauthorizing the Act, which was already late in being transmitted to the Hill to meet Congress' timetable for considering the Federal Budget. Just as it had done three years before when the Act came up for its first reauthorization, OMB sent a crisp letter back to the Secretary announcing disapproval of the request for a 2-year continuation of the program and asking HEW to consider consolidation of the Runaway Youth Act with other social service programs, such as Child Welfare Services (Title IVB of the Social Security Act). In a continuation of the replay from the previous reauthorization battle, Secretary Harris appealed OMB's decision in a letter asking for more time to consider the reorganization question and pointing out succinctly the need for Congress to accurately perceive the Administration's (and HEW's) commitment to the substance of the Runaway Youth Program. The draft bill which was finally sent to Congress retains the current authorization level and makes only a few minor and technical amendments to the statute. The recommendation for a two-year extension appears to be a device for clearing the bill through OMB and not a deliberate attempt on the part of HEW to separate RYA from the authorization cycle of the JJDP Act. HEW officials are confident that the two year limit will be altered in Congress and synchronized with whatever time period is decided for the overall Act. From conversations with Congressional staff, all indications are that this will indeed occur. Although HEW has promised to consider merger possibilities for the RYA, no commitment on the program's future after expiration of the next authorization period has been made to OMB. As further indication of HEW's present attitude toward the program, the Department's budget for FY '81 has cleared the Secretary's office, with Runaway Youth Act funding intact.

While it is to be expected that in the upcoming year the Human Services Administration will be looking at the manner in which the Runaway Youth Act relates to local service structures supported by Title XX and a revised Title IVB (which has yet to clear Congress), HEW officials interviewed for this analysis all denied the present existence of a fleshed out reorganization scheme involving any merging of RYA. Rumors persist that such a document has been developed, either by OMB or HEW, and received internal circulation. However, no one appears to have actually laid eyes on it. It has been suggested that perhaps an Innovation and Expansion proposal, developed by former Assistant Human Development Services Secretary Arabella Martinez might have been confused with the illustrative reorganization paper. The I&E proposal, essentially a way of building up the Secretary's discretionary fund through the utilization of a Title XX funding mechanism to support innovative human services projects, was moribund before Martinez left the department. However, before its demise it *was* responsible for holding up transmittal of a more comprehensive (in both funding and programming) draft reauthorization for the Runaway Youth Act that had been developed under the auspices of the Youth Development Bureau. Had it seen the light of day, this original draft might have quelled some people's fears about HEW's commitment to the Runaway Act; with Congress growing impatient over the Administration's delay in forwarding reauthorization legislation, it was decided at the last minute to avoid any more prolonged wrangling with OMB and submit a simple 2-year extension bill. Supporters of a beefed up Runaway Youth program, however, may want to bring out the fact of the existance of an earlier draft in the course of this year's reauthorization hearings. A cursory check with OMB regarding their development of a substantive reorganization plan also revealed nothing, except the intelligence that Paul Fairlie, the OMB employee most actively pushing the merger idea, has been transferred to the new Department of Education.

HEW's Planning and Evaluation Branch *do* have plans to launch a study in 1980 on the relationship of the RYA with Title IVB, as it is revised by Congress, and Title XX. The study will attempt to bring together the kinds of information necessary to plot a future course for runaway youth services. No doubt the revised Title IVB program (Federal support for child welfare services) will be going through a shakedown during the study period which will make acquisition of useful information regarding its impact on youth services difficult, if not impossible, to obtain. Grantees, themselves, will be providing data on their progress toward integrating runaway programs within the total social services structure of their local communities. YDB has tried, with limited success, to obtain information on their grantees' other funding sources. The Bureau now has basic data on about one third of the projects they fund and another questionnaire recently went out to grantees as part of their refunding kits. It is hoped that by Spring, a much clearer picture will emerge of the extent to which runaway programs are making use of various Federal, state and local funding sources.

Wherever the RYA is lodged administratively, it should be considered a likely target for reorganization. OMB is not supportive of discretionary grant programs regardless of who operates them; nor has the recent leadership within the Justice Department been sympathetic to the concept. Some view JJDP's Special Emphasis Program as especially voracious, and quite capable of swallowing up the RYA.

Irregardless of administrative umbrella, a number of issues relating to the Runaway Youth Act's future need to be addressed These include: (1) the eligibility criteria established for grantees; (2) the present and future relationship of runaway operations with state social service systems; (3) identification of the unique of the program which have contributed qualities to its success, and thus are worthy of conservation; and, (4) transition mechanisms that will have to be in place before any drastic revision of the Act is undertaken. It is obvious—but the obvious often escapes the attention of official Washington—that many of these issues can be clarified and, perhaps, resolved by runaway service providers themselves. In fact, there are indications[3] that some runaway houses are far ahead of the Federal government in tackling problems associated with services integration.

[2] *A bibliography of recent reviews and evaluations of the Runaway Youth Act is attached. The summary volume of Berkeley Planning Associates' evaluation of the program is especially recommended.*

[3] *See, for example, the summary volume of the Runaway Youth Program evaluation undertaken by Berkeley Planning Associates.*

Should the Runaway Youth program be continued more or less as is?—And, is that a viable alternative in light of the present political climate? Should the program be opened up to more grantees, and how can this be accomplished without a fresh infusion of money? With the graying of the Federal budget now well underway, is it realistic to expect any Administration to support a major new youth initiative (outside the area of employment)? If the program is eventually merged with Title XX of the Social Security Act, can this be accomplished without loss of the crucial attributes that have contributed to its success?

It may be hoped that the forthcoming reauthorization process will provide a forum for the airing of these and other issues. It should be kept in mind, however, that there will be few if any disinterested parties participating in that process. Associations representing youth services workers have a problem of reconciling the desires of present YDB grantees with those not presently receiving funds but devoutly wishing to do so. Congressional committees are anxious to retain jurisdiction over as many programs as possible; talk of reorganization makes them jittery. Likewise, administrators in the executive branch are loath to see program authority slip away from them for with it goes job slots and those important administrative overhead funds.

To resolve these issues, it is necessary to find out whether or not the needs of homeless and runaway youth have changed over the past decade; and, whether or not this target population could be better served by more Federal support for comprehensive youth programming. Fortunately, Washington has the means for answering these questions at its fingertips, in the form of present YDB grantees and those who have hopes for future funding.

In a recent evaluation of 20 Runaway projects, Berkeley Planning Associates concluded: "that unless the level of support provided these projects under the RYA dramatically increases or unless the projects locate additional revenue sources, they will find it increasingly difficult to operate a temporary shelter facility and still have sufficient resources remaining to support as varied a service package as implied in the legislation and as required by the client they serve. . . . It is clear . . . that the free-standing, non-affiliated youth project is becoming a rarer sight in the area of youth services."[4]

Program Evaluations of the Runaway Youth Act

Berkeley Planning Associates (1912 Bonita Ave., Berkeley, CA 94704), Evaluation of the Runaway Youth Act Programs, 4 Vols., May 15, 1979, Contract No. 105-77-2000.

Inspector General's (HEW) Report on Program Operations and Grant and Contract Processes of the OHDS Runaway Youth Program (1979).

GAO Review of the Runaway Youth Program, included in the Oversight Hearing on the Runaway Youth Act, House Subcommittee on Economic Opportunity, March 7, 1978. Also, a GAO review of contract procedures of small Federal grants program (including RYA) completed in September of 1979.

The NAC monitored the various changes and amendments proposed in the House and Senate versions of the Reauthorizations of the JJDP Act, and continued to form positions in response to them. The following text is excerpted from a position paper sent out by the NAC:

> We have considered carefully the proposed legislation in H.R. 6704, and, as our recent testimony evidenced, we concur with many of the proposals in this excellent piece of legislation, we would like to present our positions on those that affect the NAC itself and the youth of this country.
>
> The NAC vehemently opposes the proposed amendment to H.R. 6704 which would allow juveniles who have violated a court order to be placed in secure detention or correctional facilities (Section 223(a)(12)(A)). The JJDP Act has made tremendous strides in removing status offenders from institutions, but this amendment would open the doors of the institutions and once again allow the jailing of runaways, incorrigibles, and truants.
>
> Our reasons for opposing this amendment are that a status offense is in the nature of a civil, rather than a criminal proceeding. A sanction imposed for the violation of a court order is not a penalty for the violation itself, but is, instead, the invocation of the previously suspended sentence. Such action should be limited to dispositions which would have charged with or who have committed offenses that would not be criminal if committed by an adult, in juvenile detention or correctional facilities. A violation of a court order for a status offense is not an independent criminal act that would be criminal if committed by an adult, and, therefore, status offenders should not be jailed for such offenses.
>
> Another issue of great concern to the National Advisory Committee is the detention of juveniles in adult jails or lockups. The harms and tragedies that result from the jailing of juveniles are well documented in the testimony of experts during hearings on the detention and Jailing of Juveniles in 1973 before the U.S. Senate Subcommittee to Investigate Juvenile Delinquency of the Committee on the Judiciary. Placement of juveniles in adult jails under the condition that they are to remain "separate and apart" from the adults, has repeatedly failed. In the study entitled "Children in Adult Jails: 1976," conducted by the Children's Defense Fund, 449 jails were visited in states with "separate and apart" provisions on the books, only 35.9% could assure substantial separation; 42.3% of the jails provided partial separation; and 21.8% assured *no separation whatsoever*. Therefore, we hope that your committee will consider a Reauthorization proposal to amend Section 223(a) (13) to require the removal of nuveniles from adult mails and lockups, and thus ensure that they will receive whatever services and treatment they may require as well as the safety to which they are entitled while being detained.
>
> The NAC supports the amendments in this bill which increase citizen participation and, for example, strengthen the role of the State Advisory Groups. . . . However, while H.R. 6704 recommends that the Office of Juvenile Justice and Delinquency Prevention be elevated to the same organizational status as the Law Enforcement Assistance Administration, the National Institute of Justice and the

[4] Ibid., *Summary Volume, p. 82.*

Bureau of Justice Statistics, it does not afford the same parity for OJJDP's citizen advisory group,namely the NAC. The advisory groups for both NIJ and BJS have 21 members. The NAC currently has 21 members, but H.R. 6704 recommends that the membership be reduced to fifteen.

The JJDP Act mandates that the Advisory Committee be comprised of members who have special knowledge of the prevention and treatment of juvenile delinquency or the administration of juvenile justice. The intent appears to be to have a group of citizens who, due to their experience with different programs,jurisdictions and practices in both rural and urban regions of the country, would be able to offer knowledgeable recommendations to the Office, the President and Congress. It is important to have input from youth and the NAC supports the requirement that one-third of its members be youth at the age of 24 or below.

However, the NAC must be maintained at the level of 21 members in order to accomplish the responsibilities mandated by the JJDP Act. The NAC must make recommendations in four functional areas and has operated over the years with subcommittees responsible for each major area. The substantive work of the NAC, just as in Congress, is performed in these subcommittees. The recommended membership of fifteen would provide *too few* members to allow effective and efficient functioning, or broad representation on controversial issues.

The NAC continued their "mail campaign" throughout the remainder of the year continuing their efforts to communicate their stand to members of Congress into the next reporting period. A sectional analysis of the House, Senate and NAC recommendations was developed and distributed to agencies and individuals in the juvenile justice field. That analysis follows:

SECTIONAL ANALYSIS OF HOUSE, SENATE, AND NAC RECOMMENDATIONS FOR REAUTHORIZATION OF THE JJDP ACT

SECTION	HOUSE H.R. 6704—"Juvenile Justice Amendments of 1980"	SENATE S. 2441—"The Juvenile Justice and Delinquency Prevention Act Amendments of 1980"	NAC
101 FINDINGS	There is a new finding stating that the juvenile justice system should give additional attention to the problems of juveniles who commit serious crimes, with particular attention given to the areas of sentencing, providing resources necessary for informed dispositions, and rehabilitation.	Recommends an additional finding that the juvenile justice system should give additional attention to violent crimes committed by juveniles, particularly to the areas of identification, apprehension, speedy adjudication, sentencing and rehabilitation.	Opposes including an emphasis on the serious/violent offender.
	Recommends a finding regarding alcohol abuse.		Recommends a finding regarding alcohol abuse.
			Recommends additional findings concerning cultural segregation and the problems of minority and disadvantaged youth.
102 PURPOSE	There is a new purpose focusing on maintaining and strengthening the family unit so that juveniles may be retained in their home.		
	A new purpose has been added "to encourage State and local governments to remove juveniles from jails and lockups for adults.		Supports the House purpose concerning removal of juveniles from jails and lockups.
103 DEFINITIONS	There are new definitions of OJARS, LEAA, NIJ, and BJS.	Deletes the definition of "Law Enforcement Assistance Administration."	Substitutes a definition of "Office of Justice Assistance, Research, and Assistance" for the definition of "Law Enforcement Assistance Administration".
	Adds special education to the listing of programs under the definition of "community based".		
	"Administrator" means the Administrator of OJJDP, not LEAA.	Deletes the definition of "Administrator" (of LEAA).	Substitutes definition of Director of OJARS for Administrator of LEAA.
	Lists the jurisdictions that qualify as "States" eligible for funding under the Act, e.g., the Commonwealth of the Northern Mariana Islands.	Lists the jurisdictions that qualify as "States" eligible for funding under the Act, e.g., the Commonwealth of the Northern Mariana Islands.	Lists the jurisdictions that qualify as "States" eligible for funding under the Act, e.g., the Commonwealth of the Northern Mariana Islands.
	Provides separate definitions of "secure detention facility" and "secure correctional facility", i.e., means: Any public or private residential facility which— (A) includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and (B) is used for the (temporary) placement, after adjudication and disposition, of any juvenile who (is accused of) has been adjudicated as having committed an offense, (of) any nonoffender, or (of) any other individual (accused of having committed) convicted of a criminal offense. (Detention definition in parenthesis).		Redefines the term "juvenile detention or correctional facilities" in order to specify that juveniles who have not been charged with or adjudicated for offenses that would be criminal if committed by an adult may not be placed in facilities that are secure or, whether secure or nonsecure, are used for the lawful custody of accused or convicted adult criminal offenders.

	Defines "serious crime" as criminal homicide, forcible rape, mayhem, kidnapping, aggravated assault, robbery, larceny or theft punishable as a felony, motor vehicle theft, burglary or breaking and entering, extortion accompanied by threats of violence, and arson punishable as a felony.	Defines "violent crime" as murder, forcible rape, robbery, aggravated assault, and arson leading to bodily harm.	
	Renumbered Section 103(15) adds specific reference to special education and programs designed to benefit alcohol and drug abusers.		
201 ESTABLISHMENT OF OFFICE	OJJDP is established in the Department of Justice under the general authority of the Attorney General, headed by an Administrator who can issue regulations, award grants, and perform other necessary functions. The Administrator of LEAA and Director of NIJ may delegate authority to the Administrator of OJJDP.	Delegates final authority to the Administrator of OJJDP to award grants, enter into agreements, etc. (OJJDP remains within LEAA).	Recommends that OJJDP be a separate fourth box under OJARS.
	There will be two Deputy Administrators, both appointed by the Attorney General, one for Programs and one for the Coordinating Council.	Provides for the establishment of a Legal Advisory Unit in OJJDP reporting to the Administrator, and requires the Administrator of OJJDP to appoint the two statutory Deputies.	
		Mandates a detailed evaluation of the Rahway State Prison Juvenile Awareness Program ("Scared Straight") or other similar projects and that the Administrator shall report the results of that evaluation to the Senate Judiciary Committee and House Committee on Education and Labor no later than June 30, 1981.	Supports the detailed evaluation of "Scared Straight" programs.
		Provides that the Administrator of the Office, in cooperation with the Director of the Bureau of Indian Affairs, shall conduct a study of juvenile justice and delinquency prevention policies, programs, and practices affecting native Americans and shall report on the results of that study to the Senate Committee on the Judiciary and the House Committee on Education and Labor no later than December 31, 1981.	Supports the native American study.
202 PERSONNEL, SPECIAL PERSONNEL, EXPERTS AND CONSULTANTS	**Reference to 5USC 5332 corrected (Section 202(d))**		
203 VOLUNTARY SERVICE			
204 CONCENTRATION OF FEDERAL EFFORTS	For Concentration of Fede Effort, there is appropriated each year up to 7.5% of the total for JJDP.		
	Provides for training assistance in addition to technical assistance in Section 204(b) (6).		Since the NAC recommends that the Administration of Runaway Youth Act be transferred from DHEW to OJJDP, the reference to coordination with the Secretary of DHEW under Title III of the Act is deleted.

205 JOINT FUNDING		
206 COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION	The following are added to the Coordinating Council: Secretary of Education, Director of the Community Services Administration, Director of OJARS, Administrator of LEAA, Director of the Bureau of Prisons, Commissioner of the Bureau of Indian Affairs, Director for the Office of Special Education and Rehabilitation Services, Commissioner for the Administration for Children, Youth and Families, the Director of the Youth Development Bureau, and the Director of the National Institute of Justice.	Adds the Secretary of Education, the Director of the Office of Management and Budget, a member of the President's Domestic Council, and a member of the NAC to the membership of the Federal Coordinating Council.
	The Council will review and make recommendations regarding joint funding proposals undertaken by OJJDP with member agencies of the Council.	
	Clarifies that the Coordinating Council should meet at least quarterly.	Clarifies that the Coordinating Council should meet at least quarterly.
	Provides that the Administrator of OJJDP shall (rather than may) appoint staff.	Recommends that the Chairman of the Council be authorized to appoint staff.
	Provides that the Council will make recommendations to the President and Congress rather than to the Attorney General and the President.	
	No more than $500,000 may be used for the activities of the Council each year.	
207 ADVISORY COMMITTEE	The three National Advisory Committee sections are completely rewritten in one section, resulting in the following changes:	
	There would be 15 (not 21) members;	Opposes reducing the NAC membership.
	The Coordinating Council members would *not* be ex officio of the NAC;	
	Five members (not 7) must be under age 24 (not 26) when appointed;	Supports ⅓ of *21* members being youth and reducing the age to 24.
	Input shall be sought from juveniles under jurisdiction of the juvenile justice system;	Supports obtaining such input.
	Terms will be for 3 (not 4) years;	Opposes reducing the terms of appointment.
	Functions are specified, but there are not any statutory advisory subcommittees;	
	The NAC must meet at least quarterly;	Supports meeting quarterly.
	There will be an annual report to the President and Congress, plus interim reports, beginning in 1981;	Supports the reporting requirements.
	Staff will be appointed by the Chairman, with the consent of the NAC;	Supports staff being appointed by the Chairman, with the consent of the NAC.
	The Advisory Committee shall not have any authority to procure any temporary or intermittent services of any personnel;	Opposes the prohibition against hiring temporary or intermittant services.
	Authorizes such sums as may be necessary not to exceed $500,000 for each fiscal year; and	Supports the line item appropriation.
	Vacancies must be filled within 90 days and members may serve after the ex-	Recommends that NAC members whose terms expire shall continue to serve until their successor is appointed.
		Recommends that each group of appointments to the NAC include at least two SAG members.

	piration of their terms until their successors have taken office. Ten members constitutes a quorum.	Recommends that the Director of the National Institute of Justice serve on the NAC's Subcommittee to Advise NIJJDP.
208 **DUTIES OF THE ADVISORY COMMITTEE**	Rewritten as noted in Section 207 above.	
209 **COMPENSATION AND EXPENSES**	Rewritten as noted in Section 207 above.	
221 **FORMULA GRANTS**		
222 **ALLOCATION**	Unobligated formula funds are to be reallocated to States in compliance with sections 223(a) (12) (A) and 223(a) (13) for subsidies or incentive programs to remove juveniles from jails and lockups for adults, replicate exemplary programs, promote the NAC Standards, and to increase the use of non-secure community-based facilities and discourage the use of secure incarceration and detention.	Encourages the use of unobligated funds in nonparticipating states for specific activities, e.g., advocacy.
		Recommends deleting exceptions for the territories in order to be consistent with the recommended definition of "State" in section 103(7).
223 **STATE PLANS**	Formula grant plans shall be for a three year period with annual updates. Cross references to former Crime Control Act sections have been dropped and State criminal justice councils will continue to administer the program. Locally elected officials must be on State Advisory Groups.	
	One-fifth (not one-third) of SAG members must be under age 24 (not 26). the minimum size is reduced to 15 (from 21).	
	SAG's shall report to the Governor and legislature on compliance.	Recommends that the SAG's "shall" advise the Governor and legislature rather than "may".
	SAG's shall seek input from juveniles under the juvenile justice system.	
	The requirements for a state study of needs in section 223(a) (8) are expanded to be an analysis of juvenile crime problems and juvenile needs, performance goals and priorities, the relation to other programs, and a plan for concentration of State effort.	
	223(a) (10) (H) advanced technique dealing with subsidies is revised. Subsidies would focus on removal of juveniles from adult jails and lockups, replication of programs designated exemplary by the National Institute of Justice, establishment and adoption of standards recommended by the National Advisory Committee, and increasing the use of nonsecure community-based fa-	Recommends including "programs designed to focus resources on minority and disadvantaged youth" as an advanced technique.

	cilities and discouraging the use of secure incarceration and detention. Also added are advanced techniques dealing with learning disabilities and juvenile gang programs.		
	223(a) (12) is modified to prohibit placement of juveniles in "secure detention facilities" or "secure correctional facilities".		
	The reporting requirements of 223(a) (14) don't apply to States in compliance with 223(a) (12) (A) and (a) (13) and which have legislation that can be enforced.		Opposes deleting the reporting requirements.
	Substantial compliance with DSO would be 75% deinstitutionalization in detention facilities *or* removal of 100% of juveniles from secure correctional facilities.		Opposes weakening the DSO requirements.
	Five years after a state is in compliance no juvenile shall be detained in a facility used for holding adults. If a state has not achieved full compliance, but is at 75%, it will be allowed an additional two years to remove all juveniles from adult facilities.		Supports the removal of juveniles from adult jails.
	Reverted funds are to be reallocated for subsidy programs to complying states.		Encourages the use of reverted funds in non-participating states for specific activities, e.g., advocacy.
224 SPECIAL EMPHASIS PREVENTION AND TREATMENT PROGRAMS	The section 224(a) (5) special emphasis program dealing with subsidies is revised, and the learning disability provision is expanded to include training of personnel to recognize and provide for learning disabled and handicapped juveniles.	"Special Emphasis" is renamed "Priority Juvenile".	
	Special emphasis monies are to be made available on an equitable basis to deal with disadvantaged youth, and mentally retarded and emotionally or physically handicapped youth.		Recommends including a specific provision to "develop and implement programs designed to address the problems of minority and disadvantaged youth".
225 CONSIDERATIONS FOR APPROVAL OF APPLICATIONS		Provides that applications for special emphasis funds shall contain the SAG's response to the request for review and comment and that regular reports on the program be sent to the SAG.	
226 WITHHOLDING			
227 USE OF FUNDS			
228 PAYMENTS	Unallocated funds go into special emphasis for subsidy or incentive programs to remove juveniles from jails and adult lock-ups, replicate exemplary projects, and promote the recommendations of the NAC standards. (Only to states in full compliance.)		Encourages the use of unallocated fund in non-participating states for specific activities, e.g., advocacy.
	The allowance to use formula grant funds as match is deleted.		

229 CONFIDENTIALITY OF PROGRAM RECORDS			
241 NATIONAL INSTITUTE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION			Recommends substituting the National Institute of Justice for the National Institute of Law Enforcement and Criminal Justice regarding the coordination of activities with NIJJDP.
242 INFORMATION FUNCTION			
243 RESEARCH, DEMONSTRATION, AND EVALUATION FUNCTIONS			
244 TRAINING FUNCTIONS			
245 INSTITUTE ADVISORY COMMITTEE			
246 ANNUAL REPORT			Recommends that the report submitted by the Deputy Associate Administrator of NIJJDP to the Associate Administrator of OJJDP be prior to October 31, trather than September 30.
247 DEVELOPMENT OF STANDARDS FOR JUVENILE JUSTICE			
248 ESTABLISHMENT OF TRAINING PROGRAM			
249 CURRICULUM FOR TRAINING PROGRAM			
250 ENROLLMENT FOR TRAINING PROGRAM			
261 ADMINISTRATIVE PROVISIONS	Extends the JJDP Act for an additional four years at the same authorization levels as FY80 ($200 million).	Recommends that the Act be authorized for fiscal year 1981, 1982, 1983, 1984, and 1985, and recommends an authorization level of $150 million for each of the first two years, $175 million for FY83, and $200 million for FY84 & '85 respectively.	Recommends that the Act be authorized for fiscal years 1981, 1982, 1983, and 1984, and recommends an authorized appropriation level of $200 million for FY81.
			Recommends that at least 20% of the appropriation for Title I of the Justice System Improvement Act of 1979 be maintained for juvenile delinquency programs.
		Provides that the emphasis of the maintenance of effort funds (19.15% of Title I of the Omnibus Crime and Safe Streets Act funds) would be on programs aimed to curb violent crimes	

		committed by juveniles and that the Administrator of OJJDP be responsible for administering these funds. Additionally this amendment provides that the maintenance of effort requirement shall be waived when the total appropriations for each fiscal year under Title I of the Omnibus Crime Control and Safe Streets Act of 1968 do not exceed $150,000,000. / Funds not obligated at the end of the fiscal year shall revert to participating states on the basis of relative population of people under age eighteen for the purpose of implementing section 223(a) (13) no later than January 1 of the next fiscal year.	
262 APPLICABILITY OF OTHER ADMINISTRATIVE PROVISIONS	The administrative provisions of the Justice System Improvement Act are incorporated by reference and OJARS is directed to coordinate and provide staff support in the same manner as for LEAA, NIJ, and BJS.	Allocates an "adequate amount" for administrative expenses other than those support services performed for the Office by OJARS.	
			Recommends that no state should be excluded from national research activities funded under the Act unless the reasons for such an exclusion are specifically set forth in the research report.
TITLE III RUNAWAY YOUTH	Extends the Runaway Youth Act for an additional four years at the same authorization level as FY80 ($25 million).	Extends the Runaway Youth Act for five years at an authorization level of $25 million for each year.	Recommends an authorization level of $25 million for FY81.
			Recommends that the administration of the Runaway Youth Act be placed within the Office of Juvenile Justice and Delinquency Prevention to be administered as a separate categorical program.
	The Runaway Youth Act is renamed Runaway and Homeless Youth.	The Runaway Youth Act is renamed Runaway and Homeless Youth.	
	Provides for equitable distribution of fund among the States based upon population of youth under age 18.		
	Allows grants for a national communications system.	Provides the Secretary with the authority to establish a national telephone communication network.	
	Authorizes the Secretary to provide supplemental grants for model programs designed to provide assistance to juveniles who have repeatedly left and remained away from their homes or from any facilities in which they have been placed as a result of an adjudication.		
	Authorizes the Secretary to provide on-the-job training to local personnel to assist them in recognizing and providing for learning disabled and other handicapped juveniles.		
	Priority will be given to grants smaller than $150,000 (rather than $100,000) and to organizations which have a demonstrated experience in the provision of service to runaway and homeless youth and their families.		

Actions taken by the NAC concerning Reauthorization also included:

- Letters to elected and appointed officials expressing the NAC's support of the Reauthorization of the JJDP Act;
- Information updates on Reauthorization to SAGs and others in the juvenile justice field;
- Testimony before the Subcommittee on Human Resources of the U.S. House Committee on Education and Labor; and the Subcommittee on the Constitution of the Senate Judiciary Committee—on behalf of the NAC.
- Consideration and assimilation of information sent by various juvenile justice agencies and SAG members concerning regional positions on Reauthorization.

Since Reauthorization of the JJDP Act has carried over into the next reporting period, the outcome of this issue will be included in the NAC's Sixth Annual Report.

Standards for the Administration of Juvenile Justice

The JJDP Act mandates that the NAC:

Shall submit to the President and the Congress a report which, based on recommended standards for the administration of juvenile justice at the federal, state, and local level—(1) recommends federal action, including but not limited to administrative and legislative action, required to facilitate the adoption of these standards throughout the United States; and (2) recommends state and local action to facilitate the adoption of these standards for juvenile justice at the state and local level. (Section 247(b))

The NAC partially fulfilled its standard setting responsibility when, on September 21, 1979, the Committee adopted a final report recommending 286 standards for the administration of juvenile justice.

The standards address the areas of delinquency prevention, administration of the juvenile service system, intervention in the lives of children and their families by law enforcement and other governmental agencies, adjudication, and supervision of persons subject to the jurisdiction of the family court. The NAC also outlines a general plan for implementing standards at the federal, state, and local level.

The prevention chapter recommends 37 possible prevention strategies which focus on the individual, social institutions, and social interaction.

The administration section addresses the organization and administration of the entire juvenile justice system and recommends standards regarding: the roles and responsibilities of each level of government; planning and coordination; evaluation; personnel selection and training; and the collection and use of records.

The Standards on Intervention delineate the circumstances in which intervention is appropriate; outline criteria for intervention in delinquency, noncriminal misbehavior, and neglect and abuse cases; and define rights and procedures which should apply following intervention.

The Standards on Adjudication recommend the establishment of a family court with jurisdiction over nearly all matters affecting juveniles and their families. Detailed definitions of the family court's jurisdiction over delinquency, abuse and neglect, and noncriminal misbehavior are offered. Transfers from the jurisdiction of the family court, the tenure and qualifications of family court judges, and the organization of intake units are also addressed. Procedures and criteria for detention, intake and dispositional decisions are also delineated.

The Standards on Supervision recommend that the state should assume the responsibility for providing necessary supervision programs; define seven types of residential facilities and describe the size of the staff and services which should be available in each; address nonresidential programs; outline rights to which juveniles in residential facilities and under community supervision are entitled; and recommend principles and procedures governing discipline in residential program.

In developing these recommendations, the NAC has attempted to distill the best thinking from the proposals of the many national and state commissions, professional organizations, and other groups and agencies that have prepared standards, models, and guidelines relating to juvenile justice. Rather than formulating a wholly new set of prescriptions, it has sought whenever possible to endorse selected standards adopted by those efforts.

While the issues which the standards address vary from providing a definition of juvenile delinquency prevention to recommendations regarding the use of mechanical and medical restraints, there are five basic themes binding the recommendations together.

1. The family remains the basic unit of our social order—governmental policies, programs and practices should be designed to support and assist families, not usurp their functions.
2. Together with any grant of authority by or to a governmental entity must be the establishment of limits on the exercise and duration of that authority and mechanisms to assure accountability.
3. Age is not a valid basis for denying procedural protections when fundamental rights are threatened.
4. Whenever there is a choice among various alternatives the option which least intrudes upon liberty and privacy should be preferred.
5. When rehabilitation forms a basis for the imposition of restraints on liberty, an obligation arises to offer a range of service reasonably designed to achieve the rehabilitative goals within the shortest period of time.

The standards are expected to be released during the next reporting period, around January 1981.

The NAC's first action on standards during the reporting period was to determine what the role of OJJDP should be in implementing them.

The NAC, based on its interpretation of Section 247 of the JJDP Act, passed a resolution at the November 1979 meeting that OJJDP fully implement the NAC Standards for the Administration of Juvenile Justice and no others.

At the February 1980 meeting, the NAC's Standards Subcommittee discussed the issue with Mr. Ira Schwartz. He told the NAC:

1. It would be unwise for OJJDP to get behind one set of standards to the exclusion of the others.
2. OJJDP will never have the resources available to fund a complete standards implementation program.
3. He favored a process whereby the areas of commonality of the various sets of standards are distilled. He added that despite some significant differences, the various sets of standards were very similar in most areas.
4. Once commonality has been established, OJJDP could then endorse those standards and incorporate them into the guidelines for the Special Emphasis programs and Formula Grant programs, and the submission of state plans. This process would commit more resources to standards implementation then would a specifically designated program because, in effect, OJJDP would be allocating its entire budget toward implementation of standards. Where there are differences between various standards, OJJDP would give priority consideration to the NAC Standards

while also making information available regarding others, while pointing out the differences, the options available, and what the implications of the options are.

5. Once this internal process is completed, OJJDP would consider incentives in the formula grant program to enable states to go through the standards setting process.

The debate continued at the June meeting when Mr. Schwartz expressed his concern about those areas not covered by the NAC Standards. As a result of this discussion, the NAC modified its previous resolution on this issue as follows:

Resolved that the Office of Juvenile Justice and Delinquency Prevention fully implement the NAC Standards and no others on the same issue.

Finally, at the August meeting, Mr. Schwartz said that while the OJJDP would not endorse any one set of standards, he did support the language of the Draft Policy Statement on OJJDP Support for Juvenile Justice Standads which stated:

Beginning in the fiscal year 1981, OJJDP, in an effort to encourage the implementation of appropriate standards, will direct that all OJJDP national-scope programs incorporate NAC Standards. In those area in which the NAC Standards are silent, the most appropriate standards may be selected for incorporation into a program by OJJDP with the advice of the NAC.

Being a Reauthorization year, the NAC spent a portion of the reporting period determining the effect various provisions would have on standards. House Resolution 6704 was analyzed and the NAC supported those provisions recommending the that the establishment and adoption of standards, based upon the recommendations of the NAC, be a designated use of state subsidy funds, and that state subsidies be incorporated into activities funded under "advanced techniques" and Special Emphasis programs, and by reverted and unobligated monies.

The General Implementation Plan for the Standards, developed by the NAC outlines the following framework for decision making:

Framework for Decisionmaking

In assessing the possible mechanisms for implementing standards for juvenile justice and delinquency prevention, three considerations appear to be of prime importance:

1. Does the proposed strategy fall within the legal and practical authority of the Federal Government?
2. Are the resources available sufficient to support the proposed strategy?
3 Does the proposed strategy contain adequate procedures for gaining state and local support for and participation in the implementation process?

1. *Does the proposed strategy fall within the legal and practical authority of the Federal Government*? The principal role of the Federal Government in the effort to strengthen and improve state and local juvenile justice and delinquency prevention systems is to provide strong leadership and necessary assistance. *See* Standards 1.131–1.134 (federal role and responsibilities); 3.114 (jurisdiction of the federal courts over delinquency); and 4.12 (federal role in supervision programs). Past implementation efforts that have attempted to mandate a sweeping set of federal standards have proven less effective than anticipated in areas such as juvenile justice, which are primarily the responsibility of state and local government, which are subject to major conflicts over objectives and goals, and for which there are few reliable means of measuring the impact of change. Although federally developed standards can provide direction on issues and policy of national concern, they cannot realistically be expected to anticipate the needs, structure, and particular priorities of each state and locality. Hence, any strategy has to demonstrate sensitivity to the nature of the social and political realities at the state and local levels.

2. *Are the resources available sufficient to support the proposed strategy*? No matter how essential, the portion of federal, state and local budgets that can be devoted any purpose is limited. Thus, an implementation strategy that requires massive allocations of resources is impractical. For example, the personnel and funds required to monitor state and local compliance with mandated standards in all the areas covered by this report of the NAC would be prohibitive. Thus, implementation strategies must incorporate some selection or prioritization process and provide for the pooling of resources and energies.

3. *Does the proposed strategy contain adequate procedures for gaining state and local support for and participation in the implementation process*? As noted earlier, juvenile justice and delinquency prevention are primarily a state and local responsibility. Accordingly, an implementation strategy must include incentives that will encourage states and communities to reassess the manner in which services are delivered to children and in which they deal with youth crime in light of the proposed standards, to identify the most serious problems and to make the necessary procedural and substantive changes.

Effective distribution of the standards has been and continues to be, a priority of the NAC.

During the reporting period a list of categories pinpointed to receive the publication was drawn up. Included were:

- Courts Using Volunteers
- U.S. Supreme Court Justices
- Court Administrators
- National Legal Aid and Defender Associations
- Executive Directors, State Bar Associations
- Juvenile Courts
- Executive Officers, National League of Cities
- U.S. Senate (members)
- U.S. House (members)
- Cabinet Agencies (secretaries and PIO directors)
- Governors
- State Law Enforcement Planning Agencies
- Councils of State Government Planning Agencies
- Legislative Reference Bureaus
- Regional Planning Units
- Regional Interest Groups
- Public Interest Groups
- Criminal Justice Magazines and Journals
- National Juvenile Justice Organizations
- Major U.S. Public Libraries
- Law School and University Libraries
- State Correctional Institutions
- Correctional Associations

- Legal Associations
- Law Enforcement Agencies
- Appropriate Federal Agencies

At the end of the reporting period, the NAC established that three criteria should be used as means to developing a process for refinement and implementation of the standards. The plan should make maximum use of existing resources; provide a forum for meaningful discussion of the standards by State Advisory Groups, professional groups and organizations; and generate extensive publicity for the standards and interest in implementation. Keeping these three points in mind, the NAC determined that a series of public hearings, held in conjunction with their own meetings and those of major groups and organizations, would be the most efficient means to the end of refinement and implementation of the standards. The hearings would acquaint people with the standards; refine the standards where appropriate; and determine the proper mode of implementing the standards.

The first of the hearings was scheduled to take place at the Third Annual State Advisory Group Conference in San Antonio, Texas, October 27–30, 1980.

State Advisory Groups

During the reporting period, the NAC continued to develop lines of communication between themselves and the State Advisory Groups, as well as assist in the improvement of communication among SAG members.

Following the Second Annual State Advisory Group Conference in St. Louis, October 22-25, 1979, the NAC, as cosponsors of the conference, felt that a thorough evaluation of the strengths and weaknesses of the event was in order.

A questionnaire was developed and mailed to all participants in the 1979 Conference. The following questions were asked:

1. Please describe what the overall focus generally was of the workshops you attended: (a) training and skill acquisition; (b) discussion and information exchange; (c) presentation/lecture; (d) panel presentation/debate; (e) other (please comment).
2. As a State Advisory Group member, please rate the utility of the information covered in the workshops you attended.
3. Since attending the conference in St. Louis, have you been able to use or apply any of the information gained from your participation?
4. Overall, were your expectations met by the content of this meeting?
5. With respect to the size of this meeting, please indicate your preference: (a) national; (b) regional; (c) other (please comment).
6. Please indicate your preference for the size of workshops.
7. Would you prefer that the format of workshops include: (a) general information exchange/discussion; (b) intensive training on an issue; (c) lecture or speaker; (d) panel presentation/debate; (e) other (please comment).
8. Was adequate time allowed for workshops?
9. Was their a particular aspect of the conference that you would like to see more of?
10. What was the least useful in the conference?

Following the questions, space was provided for general comments and feedback.

When the questionnaires were returned, the information gathered was shared with the Associate Administrator of OJJDP and ultimately, with the planning team for the Third Annual SAG Conference in San Antonio, October 27-30, 1980.

To summarize:

Most respondents felt that the Conference was worthwhile, but some "veteran" participants felt that the Conference was aimed too much at newcomers, and was therefore too elementary for others. Participatory workshops received the strongest support and intensive training on a specific subject received the next most concentrated support. There was some concern over the fact that some workshops on the same general area of interest were held at the same time. A few participants felt they had not been properly prepared for the Conference, and wanted more materials in advance at future meetings. Other suggestions included more attention to racial and ethnic issues, more meeting time for regional SAG caucuses, and more emphasis on intensive training on a specific issue or topic.

To keep SAG members and others in the juvenile justice fiel apprised of the NAC's activities, a memo was sent out prior t and following each of the quarterly NAC meetings. The memo covered updates on Reauthorization of the JJDP Act; SA activities; progress reports on completion of the NAC Star dards; NAC meeting agenda and summaries; and news of th Federal Coordinating Council's activities.

Also during the reporting period, each SAG Chair was aske to designate a "youth liason" for their state, in order to hel establish mechanisms for increased youth effectiveness on th state and local level.

Conclusion

The reporting period covered in this *Fifth Annual Report* has been a full and fruitful one for the NAC. The upcoming year promises to be another period of research, discussion and action by the Advisory Committee.

Many of the issues covered in this report—Reauthorization of the JJDP Act, the reanalysis of the data in *Beyond Probation*, implementation of the NAC Standards for the Administration of Juvenile Justice, to name a few—will continue to be topics on the NAC's agenda for some time to come.

Those issues, as well as the new ones which appear constantly, will be given the careful attention of the NAC, in their continuing efforts to satisfy the mandates of the JJDP Act and serve the important cause of juvenile justice and delinquency prevention.

APPENDIX 1
NAC MEMBERSHIP LIST

C. Joseph Anderson, Chair
Terre Haute, Indiana
(June 1978–March 1982)

George P. Belitsos
Ames, Iowa
(October 1977-March 1981)

Glen Bower
Effingham, Illinois
(August 1976–March 1980)

Mary Ellen Chamberlin
Davenport, Iowa
(June 1980–March 1984)

Bernadette Chavira-Merriman
Albuquerque, New Mexico
(August 1976–March 1980)

Timothy S. Davis
Washington, D.C.
(October 1977–March 1981)

Judge Margaret C. Driscoll
Bridgeport, Connecticut
(October 1977–March 1981)

Auristela Frias
San Francisco, California
(June 1980–March 1984)

Robert D. Glaser
New Orleans, Louisiana
(June 1980–March 1984)

H. P. Goldfield
New York, New York
(August 1976–March 1980)

Ron LeFlore
Detroit, Michigan
(June 1978–March 1982)

Marion Mattingly
Bethesda, Maryland
(August 1976–March 1980)

Sonia Melara
San Jose, California
(June 1980–March 1981)

David Moseley
Seattle, Washington
(June 1980–March 1984)

Kenneth McClintock-Hernandez
San Juan, Puerto Rico
(June 1978–March 1982)

Michael Olson

D. Laverne Pierce
Salem, Oregon
(June 1978–March 1982)

Judge David Gray Ross
University Park, Maryland
(June 1980–March 1984)

Kenneth F. Schoen
New York, New York
(June 1978–March 1982)

Judge Lawrence Semski
Biloxi, Mississippi
(August 1976–March 1980)

T. George Silcott
Mt. Kisco, New York
(June 1980–March 1984)

Rev. George Walker Smith
San Diego, California
(August 1976–March 1980)

Steven D. Stark
Marblehead, Massachusetts
(October 1977–March 1981)

Barbara T. Sylvester
Florence, South Carolina
(October 1977–March 1981)

Diana Tamez
San Antonio, Texas
(October 1977–March 1981)

David Tull
New York, New York
(June 1978–March 1982)

Alice Udall
Tucson, Arizona
(June 1978–March 1982)

Genevieve Wilson
Baltimore, Maryland
(October 1977–March 1981)

APPENDIX 2

NATIONAL ADVISORY COMMITTEE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

BIOGRAPHICAL INFORMATION

C. JOSEPH ANDERSON, NAC Chair

Mr. Anderson is the Chairman of the National Advisory Committee for Juvenile Justice and Delinquency Prevention. He was appointed to that post by President Carter in 1978. A practicing attorney, Mr. Anderson was elected to the Terre Haute, Indiana, Circuit Court in 1970. He served as a judge for six years, and in 1974, was elected Vice President of the Indiana Juvenile Judges. While on the bench, he had jurisdiction over civil, probate, felony, and juvenile cases. Mr. Anderson was a State Legislator for two years, beginning in 1968. He is a 1967 graduate of the Indiana University Law School.

BARBARA T. SYLVESTER, NAC Vice Chair

Ms. Sylvester is the Vice Chair of the NAC. After her appointment by President Carter to the Committee in 1977, she was elected Vice Chair in 1978, and has held the post since. A resident of Florence, South Carolina, Ms. Sylvester is active in juvenile justice and retarded citizens groups both on the state and national level. Last year, Ms. Sylvester was appointed by South Carolina Governor Richard Riley to the Governor's Juvenile Justice Advisory Committee. She is also a member of the State Board of Juvenile Corrections.

GEORGE P. BELITSOS

Mr. Belitsos is currently the Executive Director of Youth and Shelter Services, Inc. in Ames, Iowa. In his position there, which he has held since November, 1973, Mr. Belitsos is responsible for emergency shelter care with evaluation services, family and group counseling, a delinquency and drug abuse prevention project, a 24-hour crisis intervention and referral program, alcohol abuse counseling programs and several other related services and programs. He was appointed to the NAC in 1977.

MARY ELLEN CHAMBERLIN

Ms. Chamberlin has been involved with juvenile justice in her home county and state for several years, and since early 1978, has been a member of the Scott County Jail Advisory Committee. The committee was formed to study a proposal for a new county jail and its members were responsible for the formation of a juvenile justice task force which Ms. Chamberlin chairs. She was appointed to the NAC in 1980.

TIMOTHY S. DAVIS

Mr. Davis is currently a law student at the American University, Washington College of Law. He is anticipating a May 1981 graduation. He has served as a Special Assistant at the White House and a Director of White House Projects, both under the current Administration. During the time he served as a Special Assistant, Mr. Davis coordinated a project which created a series of nominating panels to recommend individuals to the President to serve as U.S. Circuit Court of Appeals Judges. Mr. Davis is one of the NAC Youth Members and was appointed in 1977.

JUDGE MARGARET C. DRISCOLL

Judge Driscoll is currently a Connecticut Superior Court Judge, a position she assumed in 1978. Prior to that she was a Judge in the state's juvenile court, becoming chief Judge in 1976. She began practicing law in 1938, became a counsel and legislative agent to the Connecticut State Labor Council, C.I.O. in 1945. She served as counsel to the State Labor Council, A.F.L.-C.I.O. from 1958 to 1960. She has served as President of both the National and New England Councils of Juvenile Court Judges. Judge Driscoll has also been a member of the Commission on Children's Services for the State of Connecticut.

AURISTELA FRIAS

Auristela Frias is a resident of the Delancey Street Foundation, a residential treatment center for ex-addicts, ex-convicts, ex-prostitutes and alcoholics. After coming to the United States from the Dominican Republic as a child, Ms. Frias spent ten years in and out of institutions around the country. Currently, as a part of her training at Delancey Street, she is researching the problem of juvenile prostitution as part of a study funded by the National Institute of Mental Health. She is also working with recruits in the San Francisco Police Department, attending college at night and working as an assistant in the President's office at the Delancey Street Foundation.

ROBERT GLASER

Robert Glaser is presently attending Tulane University and working as a counselor in the Greenhouse Crisis Center, Youth Alternatives, Inc., in New Orleans. His responsibilities there include individual, group and family counseling in the short-term residential facility for adolescents. Mr. Glaser is also involved in training volunteers for the program. He has served on the Juvenile Justice and Delinquency Prevention Board of Louisiana.

RONALD LEFLORE

Ron LeFlore is an outfielder with the Montreal Expos. He learned to play baseball while serving a sentence in Southern Michigan Prison and was signed to a contract as he received his parole. His life story was depicted in a 1978 television movie, and he was appointed to the NAC in 1978.

KENNETH McCLINTOCK-HERNANDEZ

Mr. McClintock-Hernandez is presently serving as a Special Assistant to the Majority Leader of the Puerto Rico House of Representatives. A 1980 graduate of Tulane University School of Law, Mr. McClintock-Hernandez has been counsel and Staff Director of the Consumer Affairs Committee of the city

of San Juan, and an intern in the Puerto Rico Senate. One of the NAC's youth members, Mr. McClintock-Hernandez is also the Executive Vice President of the Board of Advisors of the Puerto Rico Statehood Students Association.

SONIA MELARA

Ms. Melara is a foster home recruitment and educational coordinator in Santa Clara County. Ms. Melara has planned, developed and evaluated the foster care program she is now working in, edited and published foster care publications and developed department resources for battered women. She has also been an affiliate bilingual family and child counselor, a neighborhood coordinator for the San Francisco Police Department's Citizens Safety Project and assistant director of the San Francisco Sheriff's Department Women's Resource Program.

DAVID MOSELEY

Mr. Moseley is the Director of the Division of Youth Services for Seattle, which operates diversion, youth employment and alternative education programs for the city. Before taking the job a year and a half ago, Mr. Moseley directed the division's juvenile justice unit. During his time in the city, he has taken a leave of absence to campaign for a member of Congress. Mr. Moseley started in youth work in Oakland, California, in the late 1960's while a graduate student. He went to Seattle in 1974, to serve as a counselor at a city youth service bureau. He is also chair of the National Youth Work Alliance Board of Directors.

D. LAVERNE PIERCE

Prior to taking her present position as Director of the Youth Advocacy Project for Oregon, Ms. Pierce was the Project Director for a national demonstration Youth Alcohol Treatment Project for the Marion-Polk-Yamhill Council on Alcoholism in Salem, Oregon. Ms. Pierce has organized and directed a variety of youth, social and health programs in the private sector during the last ten years. She has been Chair of the Oregon Juvenile Justice Advisory Committee since 1975. She holds membership on Oregon's Adult Community Corrections Advisory Board, the Board of Directors of the Oregon Youth Work Alliance and the National Youth Work Alliance. She is listed in the 1980 edition of *Who's Who in the West*. She was appointed to the NAC in 1978.

JUDGE DAVID GRAY ROSS

Judge Ross is an Associate Judge in the Seventh Judicial District in Upper Marlboro, Maryland. He has been a Master of Juvenile Causes of the Circuit Court for Prince George's County, Maryland. A former County Attorney, Judge Ross was a senior partner in a general practice law firm in Bowie, Maryland for eight years.

KENNETH SCHOEN

Mr. Schoen is presently the Program Officer for the Edna McConnell Clark Foundation in New York City. He is responsible for the construction and implementation of the Foundation's Justice Program area. Prior to taking his present job, Mr. Schoen was Commissioner of the Minnesota State Department of Corrections from 1973–1978. In the early 1970's he was Executive Director of P.O.R.T. (Probation Offender Rehabilitation and Training). He has also been superintendent of two juvenile institutions in Minnesota.

T. GEORGE SILCOTT

Mr. Silcott is the president of Silcott Management and Consultation Service, Inc., in New York City. Mr. Silcott began working with juveniles in the late 1940's at a training school in western Massachusetts. He has since worked with the YMCA, the Springfield College Pre-Release Guidance Center in Brooklyn, a multi-functional settlement house in the southeast Bronx and the Wlitwyck School in New York City—an interracial, interfaith agency that operates a residential treatment center for emotionally disturbed, dependent or neglected children. He has taught in New York City and Springfield, Massachusetts, and has written extensively in the area of juvenile justice, social work and child care.

STEVEN STARK

Mr. Stark is an attorney for the Conservation Law Foundation of New England. Prior to that he was serving as a law clerk for Judge Elbert Tuttle of the U.S. Court of Appeals in Atlanta. Mr. Stark has worked for the Boston Globe and the Wall Street Journal, and has written several book reviews and other articles for major newspapers and magazines throughout the country. While attending school, Mr. Stark worked as a researcher and counselor at the Narcotics Treatment Agency in Washington, D.C.

DIANA TAMEZ

Ms. Tamez is one of the NAC Youth Members and was appointed in 1977. She has served in her home state of Texas on state and county Democratic committees and has participated in the Bexar County Women's Political Caucus and various political campaigns. She is presently working for her Master's Degree in Urban Planning, concentrating on Environmental Psychology. She has been a field interviewer for a child abuse project, a birth control counselor for the San Antonio New Woman's Clinic and a legislative aide for Texas State Representative, Roy English.

DAVID TULL

David Tull of the Bronx, New York, is a student at State University College at Buffalo. Appointed in 1978, he is a youth member of the NAC and is a former gang member.

ALICE UDALL

Ms. Udall is an Associate Field Coordinator and Assistant Professor of Social Work at the Tucson branch of Arizona State University. Prior to going to the University four years ago, Ms. Udall worked in residential treatment. She is a member of the Arizona State Advisory Group, the board of the Child Welfare League of America and the National Commit-

tee for Prevention of Child Abuse. She has been involved with programs for mental health and juvenile justice on the local and state level for many years. A former volunteer in the juvenile court in her district, Ms. Udall is a Fellow for the National Center for Juvenile Justice in Pittsburgh.

GENEVIEVE WILSON

Ms. Wilson has been a Director of the Baltimore Chapter of the American Red Cross, the Children's Guild Inc., and the National Conference of Christians and Jews. She also works with the National YWCA, the Ad Hoc Committee for Baltimore Schools for the Arts and the Mayor's Ad Hoc Committee for Business and Professional Women in Baltimore. She was appointed to the NAC in 1977.

APPENDIX 3 ATTENDANCE

COMMITTEE MEMBER	18th Meeting	Executive Committee (Jan.)	19th Meeting	Executive Committee (May)	20th Meeting	21st Meeting
ANDERSON	X	X	X	X	X	X
BELITSOS	X	X	X	X	X	X
BOWER	A	—	X	—	—	—
CHAMBERLIN	—	—	—	—	X	X
CHAVIRA-MERRIMAN	X	—	X	—	—	—
DAVIS	A	X	X	X	X	X
DRISCOLL	X	—	A	X	X	X
FRIAS	—	—	—	—	X	X
GLASER	—	—	—	—	X	X
GOLDFIELD	A	—	A	—	—	—
LEFLORE	A	—	A	—	A	A
MATTINGLY	X	X	X	—	—	—
MELARA	—	—	—	—	X	X
MOSELEY	—	—	—	—	X	X
McCLINTOCK-HERNANDEZ	X	—	X	X	X	X
OLSON	A	—	A	—	—	—
PIERCE	X	X	X	X	X	X
ROSS	—	—	—	—	X	X
SCHOEN	X	—	X	—	X	X
SEMSKI	X	X	X	—	—	—
SILCOTT	—	—	—	—	X	X
SMITH	A	—	X	—	—	—
STARK	X	—	X	—	X	X
SYLVESTER	X	A	X	X	X	X
TAMEZ	X	—	X	—	X	X
TULL	X	—	X	—	A	A
UDALL	X	—	X	—	X	X
WILSON	X	—	X	—	X	A

A = absent
X = present
— = not applicable

Eighteenth Meeting: Biloxi, Mississippi, November 28-December 1, 1980.
January Executive Committee Meeting: Washington, D.C., January 19-20, 1980.
Nineteenth Meeting: Columbia, South Carolina, February 21-23, 1980.
May Executive Committee Meeting: Washington, D.C., May 16-17, 1980.
Twentieth Meeting: Washington, D.C., June 11-14, 1980.
Twenty-first Meeting: Portland, Oregon, August 21-23, 1980.

APPENDIX 4

NATIONAL ADVISORY COMMITTEE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

CHARTER

Preamble:

In order to prevent and reduce juvenile delinquency in the United States by encouraging the development and implementation of effective methods and programs aimed at the prevention of delinquency, diversion of juveniles from the traditional juvenile justice system, provision of alternatives to incarceration and improvement of the quality of juvenile justice; by encouraging research, demonstration and evaluation activities and disseminating the results of such research to persons and organizations actively working in the field of juvenile justice and delinquency prevention; by encouraging the provision of technical assistance and resources to state and local communities to conduct more effective juvenile justice and delinquency prevention and treatment programs; and by providing leadership and coordination at the federal level; the National Advisory Committee for Juvenile Justice and Delinquency Prevention (the Committee) is hereby granted this charter.

I. *Designation*

The Committee shall be known as the National Advisory Committee for Juvenile Justice and Delinquency Prevention.

II. *Authority and Scope*

The Committee is established under the authority of Section 207(a) of P.L. 93-415, the Juvenile Justice and Delinquency Prevention Act of 1974 (the Act), as amended by P.L. 95-115, the Juvenile Justice Amendments of 1977. The committee will operate pursuant to the provisions of P.L. 92-463, the Federal Advisory Committee Act; OMB Circular No. A-63; LEAA Instruction I 2100.1 and any additional order and directives issued in implementation of the Act. The scope of its functions is limited to the duties specified in this charter.

III. *Duration and Termination*

The Committee will remain in existence for the duration of P.L. 93-415, as amended by P.L. 95-115.

IV. *Responsible and Supporting Agency*

The Committee will report to and receive support from the Office of Juvenile Justice and Delinquency Prevention (the Office), Law Enforcement Assistance Administration (LEAA), Department of Justice, 633 Indiana Avenue, N.W., Washington, D.C. 20531.

V. *Duties*

A. Make recommendations at least annually to the Associate Administrator, of LEAA (hereinafter the Administrator of the Office), the President and the Congress with respect to planning, policy, priorities, operations, and management of all federal juvenile delinquency programs as defined by the Act.

a. Advise and assist the Administrator of the Office in the preparation of an annual analysis and evaluation of federal juvenile delinquency programs conducted and assisted by federal departments and agencies, the expenditures made, the results achieved, the plans developed, and problems in the operations and coordination of such programs and a brief but precise comprehensive plan for federal juvenile delinquency programs, with particular emphasis on the prevention of juvenile delinquency and the development of programs and services which will encourage increased diversion of juveniles from the traditional juvenile justice system, which analysis and evaluation shall include recommendations for modifications in organization, management, personnel, standards, budget requests, and implementation plans necessary to increase the effectiveness of these programs.

B. Through subcommittees of the Committee shall:

a. Serve as the Advisory Committee for the National Institute for Juvenile Justice and Delinquency Prevention.

b. Serve as the Advisory Committee to the Administrator of the Office on Standards for the Administration of Juvenile Justice.

c. Serve as the Advisory Committee to the Administrator of the Office on particular functions or aspects of the work of the Office.

VI. *Operations Support*

The Chairman of the Committee with the approval of the Committee, shall request of the Administrator of the Office such staff and other support as may be necessary to carry out the duties of the Committee. The Administrator of the Office shall provide such staff and other support as may be necessary to perform the duties of the Committee. The estimated direct cost of operating the Committee is approximately $350,000 and three person years per annum.

VII. *Membership*

There shall be 21 regular members of the Committee. The members of the Coordinating Council on Juvenile Justice and Delinquency Prevention shall be ex-officio members of the Committee.

a. The regular members of the Committee shall be appointed by the President from persons who by virtue of their training or experience have special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice, such as juvenile or family court judges; probation, correctional, or law enforcement personnel; and representatives of private voluntary organizations and community-based programs, including youth workers involved with alternative youth programs and persons with special experience and competence in addressing the problem of school violence and vandalism and the problem of learning disabilities. The President shall designate the Chairman of the Committee. A majority of the members of the Committee, including the Chairman, shall not be full-time employees of federal, state, or local governments. At least seven members shall not have attained 26 years of age on the date of their appointment, of whom at least three shall have been or shall currently be under the jurisdiction of the juvenile justice system.

b. Members appointed by the President to the Committee shall serve for terms of four years and shall be eligible for reappointment. Any member appointed to fill a vacancy occur-

ring prior to the expiration of the term for which his or her predecessor was appointed, shall be appointed for the remainder of such term.

VIII. *Meeting*

The Committee will meet at the call of the Chairman but not less than four times a year.

APPENDIX 5

NATIONAL ADVISORY COMMITTEE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

BYLAWS

Article I
Name

The National Advisory Committee for Juvenile Justice and Delinquency Prevention, established by the Juvenile Justice and Delinquency Prevention Act of 1974, chartered by the Office of Juvenile Justice and Delinquency Prevention and governed by the 1974 Act as amended and by the Federal Advisory Committee Act, may be referred to as the National Advisory Committee, the Committee, or the NAC.

Article II
Officers and Elections

Section 1. Officers

The officers of the National Advisory Committee shall be the Chair appointed by the President and a Vice Chair.

Section 2. Qualifications

A candidate for the office of Vice Chair must have at least one year remaining before expiration of his term as a member of the Committee.

Section 3. Election

The Vice Chair shall be elected annually at the last meeting before March. Nominations shall be from the floor and election shall be by ballot except that, in case there is only one candidate for an office, election may be by voice vote.

Section 4. Term of office

The Vice Chair shall assume office at the close of the meeting at which he was selected and serve for one year or until his successor is elected and assumes office.

Section 5. Duties

A. The Chair shall perform the duties assigned by the Juvenile Justice Act and such other duties under these bylaws and the parliamentary authority which are not in conflict with the Juvenile Justice Act or the Federal Advisory Committee Act.

B. The Vice Chair shall preside in the absence or incapacity of the Chair.

C. The Vice Chair shall perform such other duties as may be requested by the Chair and which are not in conflict with the Juvenile Justice Act or the Fedeal Advisory Committee Act.

Section 6. Vacancy in office

A vacancy in the office of Vice Chair shall be filled by the Executive Committee at its next meeting.

Article III
Executive Committee

Section 1. Composition

The Executive Committee shall consist of the Chair, Vice Chair, the chairmen of the subcommittees established by the Juvenile Justice Act, the chairperson of the Subcommittee on Concentration of Federal Effort, and a youth member appointed by the Chair.

Section 2. Meetings

The Executive Committee shall meet at the call of the Chair.

Section 3. Quorum

A majority of the regular members of the Executive Committee shall constitute a quorum.

Section 4. Duties

A. Conduct the general affairs of the National Advisory Committee between meetings.

B. Assist the Chair in working out a time schedule and determining the place of meetings and conferences.

C. Approve the agendas for meetings of the Committee.

D. Approve the minutes of Committee meetings subject to approval by the officially-designated government representative and correction by the Committee.

E. Develop a time schedule and procedure for use by the National Advisory Committee to review and approve reports and recommendations to the Associate Administrator, the President, and the Congress.

F. Make general recommendations for consideration by the Committee.

G. Create new subcommittees as deemed necessary and in accordance with these bylaws.

H. Assist with committee appointments in accordance with these bylaws but not to conflict with statutory requirements.

I. Fill any vacancy in the office of Vice Chair.

J. Perform such other duties as may be directed by the Chair or the Committee.

Article IV
Standing and Special Committees

Section 1. In addition to the standing subcommittees required by the Juvenile Justice Act, there shall be such other subcommittees as deemed necessary by the Chair and the Executive Committee.

Section 2. All subcommittee appointments not provided for in the Juvenile Justice Act or otherwise provided for in these bylaws shall be made by the Chair in consultation with and with the approval of the Executive Committee.

Article V
Reports to the Associate Administrator, the President and the Congress

In order to implement the statutory requirements of the Juvenile Justice Act, the Executive Committee shall establish formal procedures and a time schedule for reports to the Associate Administrator, the President, and the Congress. These reports shall be received by the Executive Committee for review in time to be submitted to the full Committee for approval, well in advance of the required LEAA submission date.

Article VI
Parliamentary Authority

The rules contained in *Robert's Rules of Order Newly Revised* shall govern the National Advisory Committee in all cases in which they are applicable and in which they are not inconsistent with the Juvenile Justice Act of 1974 as amended or the Federal Advisory Act or with these bylaws or any other rules the Committee may adopt.

Article VII
Amendments to the Bylaws

These bylaws can be amended at any regular meeting of the National Advisory Committee by eleven votes in the affirmative cast by regular members of the Committee provided that the amendment is sent to all members at least 30 days prior to the meeting at which it is to be considered.

APPENDIX 6

Statement of Barbara T. Sylvester, Vice Chair

March 27, 1980

As the Vice Chair of the National Advisory Committee, I am pleased to have been asked to testify before you and this committee today, and, most especially my Senior Senator from my own State of South Carolina, Mr. Strom Thurmond.

Since the NAC has submitted a summary of all its positions concerning Reauthorization to you, I will confine my comments today to present the views of the National Advisory Committee which we believe are the most significant to the youth of this country through Reauthorization of the Juvenile Justice and Delinquency Prevention Act. I will then be pleased to answer any questions that you may have.

First, on behalf of the National Advisory Committee, I wish to commend you on this excellent legislation. It addressed issues which the Advisory Committee has discussed during the year and many of our recommendations concur with those proposed. Your amendment which requires that an evaluation be conducted of aversion-type programs (such as "Scared Straight") is an excellent example of such concurrence.

Yet, as with any issue as complex as those before us, there are bound to be differences of opinion. And there are.

The NAC considered a recommendation to revise the JJDP Act to include an emphasis on the violent, serious, or chronic juvenile offender. Although this is an important issue, the Committee opposes such a revision in support of the existing legislation, which permits the use of its funds for programs targeted on violent and serious crime. Recent research indicates that the percentage of the known juvenile-related offenses involving violent and serious crime is exceedingly small. The Juvenile Justice and Delinquency Prevention Act has, and continues, to make important strides toward removing from the Justice System those youths who do not need its authority to habilitate themselves. We believe that the Act should continue to focus on these young people.

Furthermore, since the NAC has discussed the preliminary findings of the research conducted by the National Center for Juvenile Justice, which states:

> that minority youth are referred to court more often, detained more frequently, and incarcerated at a higher rate than their white counterparts; we *strongly* recommend that additional attention and resources be focused on the problem of disadvantaged and minority youth—including emphasis on the emotionally, physically and mentally disabled juvenile offender.

With respect to the structural position of the Office of Juvenile Justice and Delinquency Prevention (OJJDP), the Advisory Committee recommends that the Act be revised to provide that the Office be a separate organizational entity under the Office of Justice Assistance, Research and Statistics (OJARS); and thus, on a par with the National Institute of Justice (NIJ), the Law Enforcement Assistance Administration (LEAA), and the Bureau of Justice Statistics (BJS).

We would support your amendments to delegate final authority to the Administrator of the Office of Juvenile Justice for carrying out the policy and provisions of the Act. As I have already said, we believe that the Office should be an independent arm (or separate "box") under the OJARs structure with provisions for the administrative authority *and* the support services necessary to properly carry out and manage the mandates of the Act.

We further support that the National Institute for Juvenile Justice and Delinquency Prevention (NIJJDP) remain within the Office *and maintain* the integrity of its research functions by retaining its authority to conduct basic research.

One of the strengths of the Office, and in our opinion, a unique aspect of OJJDP compared to other federal agencies, is that programs are based on documented needs, and the results of these programs are evaluated to determine what has and what has not been effective. The mandated research, evaluation, training and information functions of the National Institute, within OJJDP, must not be lost.

We believe, Mr. Chairman, that OJJDP's mandate to provide the necessary resources, leadership, and coordination in order to improve the quality of juvenile justice and delinquency prevention efforts certainly warrants organizational parity with NIJ, LEAA, and BJS.

Given our present economic situation, inflation, and the limited resources available, it is crucial to demonstrate our commitment to youth at this time by giving the Office of Juvenile Justice the priority it deserves, as an independent agency under OJARS, lest it be lost in the reorganizational shuffle or diminished in the budgetary process.

Another issue of great concern to the National Advisory Committee is the detention of juveniles in adult jails or lockups. The Attorney General has proposed that ". . . in Reauthorizing the Juvenile Justice and Delinquency Prevention Act Congress absolutely prohibit the detention or confinement of juveniles in any institution in which adults, whether convicted or awaiting trail are confined."

The NAC, in its Standards for Juvenile Justice, supports the Attorney General's proposal. Standard 4.26 states:

> Detention facilities should be located within the community from which they draw their population. Such facilities should *not* be on the grounds of an institution used to house adults accused or convicted of committing a criminal offense.

The harms and tragedies that result from the jailing of juveniles are well documented in the testimony of Dr. Rosemary Sarri and other experts, who were before the U.S. Senate Subcommittee to Investigate Juvenile Delinquency of the Committee on the Judiciary for Hearings on the Detention and Jailing of Juveniles (1973).

Placement of juveniles in adult jails under the condition that they are to remain "separate and apart" from the adults, has repeatedly failed.

In the study entitled "Children in Adult Jails: 1976", conducted by the Children's Defense Fund, 449 jails were visited in states with "separate and apart" provisions on the books, only 35.9% could assure substantial separation;

42.3% of the jails provided partial separation; and,
21.8% assured *no separation whatsoever.*

Mr. Chairman, we hope that your committee will consider the reauthorization proposal presented by the Attorney General for further strengthening the intent of the Juvenile Justice and Delinquency Prevention Act by amending Section 223(a) (13) to require the removal of juveniles from inappropriate facilities, and thus help to ensure that juveniles will receive the services and treatment they may require, and are entitled to as well as the safety to which they are entitled, while being detained.

Finally, the NAC supports the amendments in this bill which increase citizen participation and strengthen the role of the state advisory groups. We have also recommended an amendment which would provide for the representation of the SAG's on the National Advisory Committee. As a citizen trying to improve the juvenile justice system in my state of South Carolina, I know the importance of increasing the opportunities for Advisory Group participation at the local, state, and national levels of government.

Thank you for the invitation to present the views of the National Advisory Committee today.

APPENDIX 7

Prepared Statement of Barbara Sylvester Vice Chair

National Advisory Committee

The NAC Chair, C. Joseph Anderson, requested that I convey to you his appreciation of being asked to testify and his disappointment that he was unable to be here in person. He has a case in Federal Court today and therefore asked me, as Vice Chair, to present the views of the National Advisory Committee.

I have a prepared statement which I will read and submit for the record and I will then be pleased to answer any questions you may have. The NAC has submitted a summary of its positions concerning reauthorization to you and therefore I will confine my comments to those provisions of H.R. 6704 on which the Advisory Committee has discussed and taken a position.

First, I wish to commend you on this excellent piece of legislation. It addresses issues which the Advisory Committee has discussed during the year and many of our recommendations concur with those proposed in this bill.

Regarding the structural position of OJJDP, we recommended that the Office be included as a separate independent arm or "box" under the OJARS a structure on the same organizational level as LEAA, the National Institute of Justice, and the Bureau of Justice Statistics, but we certainly support your much bolder recommendation to place OJJDP under the general authority of the Attorney General.

We strongly support the recommended four year authorization period which will maintain an authorization cycle separate from that of the OJARS legislation. The NAC has also endorsed an authorization level of $200 million for the JJDP Act in fiscal year 1981 and an authorization level of $25 million for the Runaway Youth Act in FY 81. (I will address another recommendation concerning the Runaway Youth Act later in my testimony.)

The NAC agrees with the recommended definition of "State" which would include the territories.

The NAC has discussed the preliminary findings of the research conducted by the National Center for Juvenile Justice which states that minority youth are referred to court more often, detained more frequently, and incarcerated at a higher rate than their white counterparts. Therefore, we heartily endorse the bill's emphasis on minority and disadvantaged youth.

The Advisory Committee supports strengthening the role of the SAG's by changing the language of the provision concerning advising the Governor and legislature from "may" to "shall".

The NAC has discussed at length recommendations to dilute or weaken the 75% deinstitutionalization compliance provision of the Act and has taken the position that it supports maintaining the 75% compliance level. Although we have not discussed the concept of different compliance levels for detention and correctional facilities as proposed in H.R. 6704, I am rather certain that the Advisory Committee would support that recommendation.

Concerning the recommendations which are directed at the National Advisory Committee itself, we agree with:

- seeking input on a regular basis from juveniles under the juvenile justice system,
- allowing members to continue to serve (not to exceed 90 days) until their successors are appointed, and requiring that vacancies must be filled within 90 days,
- deleting the statutory requirement for specific subcommittees of the NAC,
- authorizing a specific appropriation for the activities of the NAC each year,
- providing that staff will be appointed by the Chair with the approval of the Advisory Committee,
- submitting annual and interim reports to the President and Congress, and
- reducing the age defining a youth member from 26 to 24.

We do not agree, however with the recommendation to reduce the number of members on the NAC from 21 to 15 and the number of youth members from 7 to 3. H.R. 6704 still proposes four basic functions for the NAC and, since most of our work is done in subcommittees, we will probably continue to need four subcommittees to effectively meet those mandates. In our opinion, fifteen members, including the Chair, will not provide adequate membership for subcommittee work.

We also oppose making the terms of membership on the NAC three years rather than four. Since we meet only quarterly, it takes some time for new members to learn the workings of the Committee, become familiar with the intricacies of the Federal bureaucracy, and thereby reach their full potential.

We realize that the fact that members of the Federal Coordinating Council are ex officio members of the NAC has not meant much in the past, but we have made tremendous progress during the past six months in improving the communication and coordination between the two bodies. A good example of this progress is that the NAC and the coordinating council will be holding a joint meeting in June. Therefore, we recommend that the Coordinating Council members' ex officio status on the NAC be maintained.

While, as I mentioned earlier, this is an excellent bill, given the complexity of the issues, there are bound to be differences of opinion—and there are.

The NAC opposes deleting the reporting requirements of 223(a) (14) for those States in compliance and which have legislation that can be enforced. We believe that the monitoring reports have demonstrated that legislation is often ignored and that all States should be required to report the results of their monitoring to OJJDP.

We also oppose the transfer of the National Institute of Juvenile Justice and Delinquency Prevention to the National Institute of Justice. One of the strengths of the Office, and in our opinion, a unique aspect of OJJDP compared to many other federal programs, is that programs are based on documented needs, and the results of those programs are evaluated to determine what has and what has not been effective. Additionally, our Subcommittee to Advise the Institute has been working

very diligently with the National Institute in attempting to improve and expand the mandated training and clearinghouse functions of NIJJDP. From my perspective, as a citizen trying to improve the juvenile justice system in my state of South Carolina, information and training are two of our greatest needs at the State and local level. We are concerned that the clearinghouse and training functions will be lost in the reorganizational shuffle and that the coordination between programming and research and evaluation will be destroyed.

We did not have an opportunity to review your recommended definitions of secure detention and correctional facilities, but, in an attempt to clarify this important and controversial portion of the Act, we have endorsed the Administration's proposed definition, which is that the term "means any secure public or private facility, used for the lawful custody of accused or adjudicated juvenile offenders or non-offenders or any public or private facility, secure or non-secure, which is also used for the lawful custody of accused or convicted adult offenders".

Regarding the additional members which are recommended for the Coordinating Council, the NAC has also considered methods for improving the Coordination of Federal Effort and strengthening the role of the Federal Coordinating Council. We recommend, however, that the Council remain primarily a cabinet level body under the chairmanship of the Attorney General with only three additional members, namely, the Director of the Office of Management and Budget, a member of the President's Domestic Council, and a representative of the National Advisory Committee.

Because we are concerned that the integrity of the Runaway Youth Act may be undermined by attempts to merge it with the Title IVB or Title XX of the Social Security Act within the Department of Health, Education and Welfare, we have recommended that the authority for administering the Runaway Youth Act be transferred to the Office of Juvenile Justice and Delinquency Prevention.

The NAC opposes the recommendation to include an emphasis on the serious offender because the current LEAA legislation permits the use of its funds for such purposes, and because the Juvenile Justice and Delinquency Prevention Act has and continues to make important strides toward removing from the justice system those youngsters who do not need its authority to habilitate themselves. We believe that the Act should continue to focus on these young people.

Finally, H.R. 6704 proposes that reverted funds be reallocated for subsidy programs to complying states. While the NAC has not recommended a modification of section 223(d), we have recommended to Mr. Schwartz that "the Office devise ways to utilize reverted funds from non-complying states in a manner which will support responsible efforts to accomplish compliance". We have urged that the Office support advocacy efforts in non-complying states which would lead toward compliance, and the Office provide funding to jurisdictions where there is concrete evidence of their commitment to achieve one hundred percent deinstitutionalization.

Thank you.

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